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A

COLLECTION

Of All the

Ecclesiastical Laws, Canons, Answers, or *Rescripts;*

With other MEMORIALS concerning the Government, Discipline and Worship of the

Church of *England,*

From its first Foundation to the CONQUEST, that have hitherto been publish'd in the *Latin* and *Saxonic* Tongues.

And of all the

Canons and Constitutions Ecclesiastical, made since the CONQUEST and before the REFORMATION, in any National Council, or in the Provincial Synods of

Canterbury and *York,*

That have hitherto been publish'd in the *Latin* Tongue.

Now first Translated into *English* with Explanatory NOTES, and such Glosses from *Lyndwood* and *Athone*, as were thought most useful.

PART the First.

By JOHN JOHNSON, M. A. Vicar of *Cranbrook* in the Diocese of *Canterbury*.

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The

The General PREFACE TO THE READER.

I HERE present you with the Translation of all the Laws, Canons, and Constitutions of the Church of *England*, that were first made in the *Latin*, or *Anglo-Saxonic* Tongue, from the first Foundation of the Church at the latter end of the Sixth Century, to the Reign of King *Henry* the Eighth; and that have been since collected and publish'd by Sir *H. Spelman*, or others.

II. I meddle not with the *British*, *Irish*, or *Scotish* Memorials, as foreign to my present De-

Design, which was to make a Collection of all the publick Monuments of this Church, which serve to give us a view of its Government, Discipline, and Worship, and of the several Variations of it from Time to Time, and I have done it in so moderate a compass, that those of the Clergy who want the Volumes of Sir *H. Spelman*, Bishop *Lyndwood*, and *Athone*, and are not able to purchase them, may be supplied from this Work, at one fifth part of the Cost. And tho' I have omitted very many of Sir *H. Spelman*'s Memorials, some as spurious, others as unnecessary to my present Design; and the greatest part of *Lyndwood* and *Athone*'s Glosses, as perfectly superfluous: yet I have added some Things from other Writers, which I thought conducive to the End I proposed to my self.

III. THO' all which I publish may be found in other printed Books, (except some Supplements and Emendations taken from Manuscripts) yet there they stand either in the impure *Latin* of the middle Ages, not so easily to be understood by those who are only vers'd in Classical Writers, which is the Case of most of the younger Clergy; or else in the *Anglo-Saxonic*, known by few; or in the modern *Latin* Translations of the *Anglo-Saxonic*, which are full of Mistakes. I hope it will not be thought a Presumption in me to say this. Nay, it would be perfect Stupidity in me not to discern the Errors of Mr. *Lambard* and Sir *H. S.* and his Friend *Lisle*, by virtue of that

Light

Light which the two great Masters of the *Saxonic* Tongue, *Somner* and *Hicks*, have since held out to us: And I should be guilty of Ingratitude to their Memories, if I did not acknowledge my Obligations to them.

IV. The *Saxonic* Text of the Memorials publish'd by Sir *H.S.* is also full of Faults; but especially the Laws of K. *Wihtred*, and the Rules of Satisfaction which immediately follow them. And here I had been wholly at a loss, had it not been for the Manuscript Notes and Corrections of Mr. *Somner* upon these Laws, and all the other *Saxon* Memorials first published by that Learned Knight. I hoped to find relief in relation to the Laws of King *Wihtred*, by collating Sir *H. Spelman*'s Edition with the Original from which he published them in the *Textus Roffensis*; but that Noble Manuscript was not at home in its proper Repository, during the whole time that I was composing this Work. Since my Translation of those Laws was printed off, I was inform'd that this *Textus* was restored to its proper place of Residence, and I had the favour of perusing it: but I found no variation of Moment, but what Mr. *Somner* had taken notice of in his written Notes; yet by inspecting the Original, I was able to distinguish between Mr. *Somner*'s conjectural Emendations, and those which he made from the *Textus* itself. And by this Inspection I further learned, that Sir *H. Spelman* did most probably never view the Manuscript itself. For ther are some Mistakes so very gross,

that none used to the reading of *Saxonic* Monuments could possibly be guilty of them. The Transcript from which he published them, seems to have been made by some one that was a Stranger to the *Saxonic* Letters: For the MS itself is in a very fair Hand, and well preserved, save where it is tarnish'd by the Salt-Water it took in its late Travels. But it is observable, that *Somner* never undertook to correct the Laws in Sir *H. Spelman*, which had been before publish'd by *Lambard*: he seems to have had a better Opinion of what had been done by his own Countryman, than of the Learned Knight's Performances, whose Diligence and Piety can yet never sufficiently be commended; and who in some Particulars much exceeded *Lambard*. In truth, *Somner*, when he wrote these Marginal Notes, was not so able a Master of the *Saxonic*, as when he published his Dictionary.

V. I cannot, according to the Fashion of Editors and Translators, give any great Encomiums of the Originals which I copy, as to the Beauty of their Composure, the Elegance of their Style, or any other internal or external Ornament that can render them agreeable to the Genius of this present Age. Yet I can truly say, that they are many of them very useful; and contain abundance of Particulars, of which no Clergyman (to say nothing of others) ought to be ignorant, if he desire to acquit himself in the discharge of his Office, to the Honour and Benefit of That Church of

which

which he is a Minister. Ther are four Ends, which I chiefly had in view in compiling of this Work.

VI. The first, I confess, was Curiosity, and a Desire of improving Speculative Knowledge. And if I proposed no other End but this in the present Work, it ought by no means to be despised. No Man shou'd think his Time misspent in looking back on the past Ages of the Church, and in making his Observations on the state of Religion, and the Alterations of it, either for the better, or for the worse; and on the Causes, or Occasions of the Changes. If Gentlemen, and Scholars of the brighteſt Parts find no Study more engaging than the old Fashions, Religion, Laws, Paintings, Buildings, and Art Military of the *Greeks*, *Romans*, and other ancient People; much more reason have we to suppose, that it must be entertaining to Clergymen, to see the Modes and Manners of their Predecessors in the Holy Function, and of the People of the same Church faithfully described to them; especially, when as to the main, by comparing our present state with theirs, we may clearly discern, that our Condition, both as to Temporals and Spirituals, is much preferable to theirs. And the true Antiquarian is not to be displeased, because in his Searches and Enquiries he meets with some Things exceeding rude, or even barbarous; but feels as much pleasure in the Inspection of a Brass Coin, as in one of a more noble Metal; and in Earthen Urns, as in Pots of Gold. I

mean, if you consider him barely as an Antiquarian, not as a Proprietor of the Treasure.

VII. It is true, a great, and perhaps the greatest part of the Contents of these Papers, are Things of no great moment in themselves consider'd. But let me tell my Reader, that Ignorance in small Matters, when it is discover'd, does often expose Men to as much Shame and Censure, as in Things of the greatest consequence. And we are often under a necessity of drawing Arguments from Matters of little or no concern, in order to prove, or disprove, Things that are of a more weighty Nature. It were easy for me to give a large List of Errors committed by Men of Great Character, both in their Writings and Conversations, for want of Knowledge in such minute Points as many of those confessedly are, which you may find in these Sheets. But I am none of those who take pleasure in laying open the Errors of others, whatever some may have said or thought of me: I have indeed in this Work said several Things, or rather the Memorials which I publish in *English*, do contain several Things directly contrary to what has been asserted by Men of Great Name; but as I can sincerely say, that nothing of this sort proceeds from any Resentment, or personal Prejudice that I have conceived against them; so I have always endeavoured to conceal their Persons, that I might give them no Provocation; unless they are such as will be provok'd by seeing the Truth set in a just Light.

VIII. A

VIII. A second Design I had in this Translation, was to furnish out a strong Antidote against Popery: And in this respect I cannot but recommend it to the perusal of such of the Laity as may have entertain'd too favourrable Notions of the *Romish* Religion, or may fall into the hands of Popish Emissaries. For as to the Clergy, I am fully perswaded, ther are none that stand in need of any Antidote against the Errors and Superstitions of the Church of *Rome*. I must have Leave here solemnly to profess, that of all the Clergy of the Church of *England*, with whom I have intimately and familiarly convers'd (and few have so conversed with more of them than I have done, in and about thirty Years that I have officiated as a Priest in this Church) I never found one single Man, whom I had just reason to suspect of any inclination, or tendency to Popery. And I cannot but esteem it a very gross Absurdity to suppose, that any number of them can have any Bias that way: For all that know Popery, as they do, must know, that Popery implies Slavery, as to Soul, Body, and Estate, all in one: And that the Slavery of the Clergy in That Church, hath always been greater than That of the Laity. The Censures of the Pope and his Agents ever fell heaviest upon them; because they were, by this means depriv'd of their Subsistance. They had frequent Taxes laid upon them by the Pope, and for his use, over and above what were demanded by the Civil Government;

whereas the Laity paid no Tax to *Rome*, save. That of the *Peter-Pence*, which was as nothing compar'd to those Tenths upon Tenths, which were frequently exacted of the Clergy. Some few indeed of the Prelates, and Favourites of the Pope, or King, who were indulg'd in enormous Pluralities of twenty or thirty Benefices, held by virtue of a Papal Dispensation, wallowed in Wealth and Luxury. But the main Body of the Clergy, that is, the Vicars, Curates, Parish-Priests, Chantry-Priests, and Mass-Priests, and all those in the Inferior Orders (excepting such as were permitted to hold Rectories by special favour, who could not be very numerous) had, generally speaking, but a bare Subsistance: They that were Sub-deacons, or in any Order above That, were denied the common Liberty of Mankind, I mean, Lawful Marriage. If they were convicted of having committed the deadly Sin of Marriage, they themselves incurr'd the Loss of their Benefices, and were disabled from officiating in the Church, their Wives were branded with the Imputation of being Whores, their Children with the infamous Characters of Bastards. Great multitudes of *Italians*, and other Foreigners, were, by the Transcendent Authority of the Pope, possest of many of the best Dignities and Benefices in the Church, and reap'd the Profits of Cathedrals and Rectories, which perhaps they never saw, while many of the poor *English*-born Clergy were glad to eat of the Crumbs which fell from their Tables, I mean, to maintain

tain themselves with being their Under-Agents. These, and many other, were the Grievances of the Clergy, while under the Tyranny of the See of *Rome*; I mean, they were peculiar to them, over and above those Hardships which they endured in common with the Laity. And let it be consider'd what Privileges they enjoy'd to counter-ballance all these Hardships. The Sum of these was, that they could not be hanged, or corporally punish'd by the hands of Laymen, tho' they had deserved it, at least they could not be so treated without the Bishop's consent; and no Man could lay violent hands on them, without incurring very hard Censures and Penalties. These were Privileges which, 'tis to be hoped, not one of them in Ten thousand had occasion to make use of. Nor was it out of Love to the Clergy that these Privileges were claimed, but to maintain the sole Dominion of the Pope over the whole Body of the Ecclesiastics, and to keep the Civil Powers and Laity in awe, from offending against those who were then deem'd the peculiar Subjects and Property of the Pope.

IX. If the Clergy of *England*, before the Reformation, had indeed a Zeal for the Pope's Authority, it must have proceeded purely from their mistaken Principles, and the Dictates of an Erroneous Conscience: for they could have no other Inducement to abet a Power so grievous to themselves; because no Man can love Slavery for Slavery's sake. And I have just Reason to believe, that the main of the Clergy

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in those Days were not disposed to advance the Pope's Power, any farther than they falsely conceiv'd themselves in strict Duty bound to do. It may be truly said, that some of our Kings and Archbishops, whose Names might easily be numbred, did more toward the establishing of the Pope's Dominion here, than the Bishops and Clergy. The Monks and Regulars were indeed faithful Drudges to the See of *Rome*; but the Bishops and Secular Clergy (and of them I now speak) were sensible of the Tyranny of the Pope, and would probably have been glad to shake it off, if they had thought it could be done without a violation of their Consciences. For they (undoubtedly by Mistake) believed him to be their Spiritual Sovereign, appointed by God: and while they laboured under this fatal Error, we are rather to pity their Ignorance, than to condemn them for acting according to their Principles. They were, I am perswaded, so far from being Deceivers, that they were grosly deceiv'd and abus'd themselves; and the Ignorance of the generality of them was altogether as invincible as That of their People. *Robert Grosthead*, Bishop of *Lincoln*, was equal, if not superior in Learning to any of our Clergy, or even Bishops, during those dark Ages: and he took a Journey to *Rome* on purpose to reprimand the Pope for his Male-Administration: And can we think that this Good Man would not much more have reprov'd him for the False Doctrins and Idolatries, of which he and his Predeces-

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fors had been the chief Authors and Abettors, if he had been ſenſible of any ſuch Falſe Doctrins, or Idolatries, then countenanced and maintained by that See? And if the Famous *Groſthead*, who was look'd on as a Prodigy of Learning and Integrity, in the Thirteenth Century, when ſome of their vileſt Errors were firſt eſtabliſh'd, was not aware of any dangerous fatal Doctrin, or Practiſe, in That Church: much leſs is it to be ſuppos'd, that the main of the Biſhops and Clergy here, who were ſo far inferior to him in Knowledge and Penetration, had any Suſpicion of the Pope's Divine Authority over them, or of the Purity of That Church.

X. BUT tho' I look on the preſent *Engliſh* Clergy as too well appris'd of the intolerable Tyranny of the Pope, and the groſneſs of thoſe Errors with which he has corrupted Chriſtianity, to be taken in his Snares; yet I cannot but apprehend, that many of thoſe among us, who make the loudeſt Outcries againſt Popery, do indeed want ſuch an Antidote as I take this to be. I mean, thoſe who think it a Crime to look into thoſe Books of the Church of *Rome* which contain their Errors: And I have particular Reaſon to complain of the blind Zeal of this ſort of Men, becauſe I have been barbarouſly defam'd by ſome of them, upon a bare Suppoſition, that I had a Maſs-Book ſent to me by a Friend. Now Proteſtants who ſcruple the reading of the Books of That Church, in declaring againſt Popery declare againſt

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they know not what: For the only way to know the very worſt of their Religion, is to peruſe the very worſt of their Books; where we may ſee their moſt palpable Corruptions in their true natural Colours. If ſuch Men ever come by chance to ſee their own whimſical confuſed Notions of Popery to be Miſtakes, and that Popery is not what they falſly imagin'd it to be; they may more eaſily be reconcil'd to it by the ſleight of Miſſionaries, than they who thro'ly know it, and are therfore forearm'd againſt it. I thought it therfore very ſeaſonable to offer to ſuch Proteſtants as ſeem to know nothing of Popery but its Name, ſome Knowledge to be mingled with their Zeal, which, when they are well temper'd together, may make a very proper Compoſition.

XI. I have often been thinking, that one could not do a greater Service to the Reformation, than by tranſlating into *Engliſh* the Miſſal, Breviary, Pontifical, Manual, and other publick Service-Books of the Church of *Rome*, with brief Annotations, ſhewing the Riſe of all that is fooliſh and ſuperſtitious, and the Antiquity of what remains good and commendable in them. This might be done in a few Volumes, and thoſe not very large: for the Scriptural Part need not be inſerted, otherwiſe than by References: and the Repetitions, which are many, and do much increaſe the bulk of the *Latin* Books, may be paſs'd over by only inſerting the firſt Words, and letting the

the Reader know where the rest are to be found. It is certain, that the Leaders in the Church of *Rome* would with reason look upon it, as a terrible Blow given to them, if such Translations could be publish'd in all the Vulgar Tongues of *Europe*. For they themselves do industriously conceal their Publick Devotions from the Knowledge of the People, and have, with all their Might, endeavoured to suppress all attempts of translating them. For they are sensible that great numbers of Men would desert their Worship, if they once came to the knowledge of all that Filth and Corruption which lies hid under an unknown Tongue. For true Popery is a Thing of that Nature, that ther needs no Confutation of it but the shewing of it in a true Light; upon supposition, that the Spectators are Men of competent Sense and Judgment, and that they are in any measure acquainted with their Bibles. And I intended these Papers as an Essay toward such a Work as I just now mentioned.

XII. When I recommend this Work as an Antidote against Popery, I desire to be understood chiefly in relation to those Constitutions which were made from the beginning of King *Henry* III's Reign, and the following Ages. For then it was that Popery appear'd in its full Strength and Vigour. Let any rational Man attentively read the *Constitutions* of *Stephen Langton*, and the Archbishops his Successors, down to the Reign of *Henry* VIII.

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let him consider that these were the principal Laws (under the Pope's Canon Law) by which the Church was govern'd, during those Ages; and then let him tell me, whether it were not time to Reform. I have rarely pointed out to my Reader the Passages where Popery appears in its most lively Colours; they are visible enough to them who have Eyes to see: much less have I attempted to confute the Errors contain'd in many of the Canons and Constitutions. For I am persuaded that no Church of *England* Man needs any other Help but that of his Bible, and a tolerable degree of Understanding, to discern the absurdity of many of the Doctrins, and especially of the Practises mention'd and injoin'd by the old *English* Prelates in subjection to the See of *Rome*.

XIII. For the first 250 Years after the coming over of *Augustin* to convert the Nation, the state of Religion was more tolerably pure than afterwards. Yet all Publick Offices were perform'd in the *Latin* Tongue, to which the People were Strangers; and this was indeed a Corruption not to be endured; nor could the New Converts have been patient under it, if they had been capable of reading St. *Paul*'s Epistles; but it does not appear that the Scriptures were translated into *English* till some Ages after the Conversion of our Forefathers, and then but in part: And if the whole Scripture had been in *English*, ther is just Cause to suspect, that very few of the Laity had been capable of reading them. Some have supposed

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that the *Gallic* Service or Liturgy was here first used by *Augustin*, and all other Bishops and Priests in this Nation. Yet I conceive this to be a Mistake, which will be made appear in the following Memorials. I am sensible of what *Bede* tells us, in his 4*th* Book and 18*th* Chapter, *viz.* That Pope *Agatho*, above eighty Years after *Augustin*'s coming over, sent *John*, the Precentor of St. *Peter*'s Church in *Rome*, to instruct the Monks of *Wirmuth* in the Annual Course of Singing, and that he did accordingly teach them the Order and Rite of Singing and Reading in the Celebration of Feasts, thro' the Circle of the whole Year; and that he wrote down and left behind him whatever was requisite to this Purpose. And this may seem to some to imply the Introduction of the *Roman* Offices, instead of the *Gallic*; which therfore they must suppose to have been used here till this Period of Time. But I conceive the Words of *Bede* imply no such Matter. The Sum of what this Precentor taught them, consisted in new Tunes or Modes of Music, some Variations of Habit, Gesture, and perhaps of the Series of performing Religious Offices, according as the Fashions had been altered at *Rome* since *Augustin*'s coming hither. Ther is no mention of Books, or new Forms of Service that he brought with him: *Bede* expresly says, he taught them *vivâ voce*; and what he wrote down concerned only the celebration of the Festivals. From all which it is evident, that here was no Innovation in the

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Subſtance of the Services, but only in the outward Mode and Figure of Saying or Singing them. *John* was ſent to one Monaſtry only, and is not ſaid to have taught any but the *Northumbrians*. If he had brought any new Office, or Liturgy with him, certainly care had been taken to ſettle it in the *South*, as well as in the *North* of *England*. But ther was no occaſion to inſtruct the Southern Monks and Clergy in what they knew before. *Bede* teſtifies, that at *Theodore*'s firſt coming to *Canterbury*, which was ten or twelve Years before this, the *Roman* way of Singing was well known in *Kent*, and then began to be taught in other Churches. *Wilfrid* ſoon after invited *Eddi*, otherwiſe called *Stephen*, out of *Kent* into the *North*, to teach this Mody Practiſe there, as may be ſeen in the ſecond Chapter of *Bede*'s fourth Book: nay, thirty five Years before *Theodore*'s Arrival, *James* the *Kentiſh* Deacon was left at *York* by *Paulinus*, when he retired to *Rocheſter*, on purpoſe to teach them *the way of Singing uſed by the* Romans *and the* Kentiſh, as *Bede* expreſly ſays in the 20*th* Chapter of his ſecond Book. It is probable, that neither of theſe *Kentiſh* Singing Maſters went farther than *Hexham*; however, not to *Wirmuth*, for the Monaſtry there was not built till the Year 674. *John* taught only thoſe of this Monaſtry, and ſuch of the *Northumbrians* as had not learn'd it before. So, after the Conqueſt, *Oſmund* Biſhop of *Sarum* contrived a new *Uſe* for his own Church, that

is, he ascertained all the Rubricks which were before not determinate enough, or where Books were inconsistent with each other, as it often happen'd, while Transcribers took the liberty of varying from their Copies: He adjusted and settled the Series, and Pomp, and the Ceremoniale of Divine Worship, in Points that were before left to the discretion of them that officiated, which created Confusion and Multiformity in the Church. And several other *English* Bishops took the same liberty of making *Uses* for their own Dioceses, different from those of *Sarum*. And tho' the Invention of Printing hath prevented the Inconsistency of our present Common-Prayer-Books, yet ther is room for our Bishops to make *Uses* for their Dioceses, if they can judge themselves sufficiently authorized for such a Work by our Constitution. I mean, ther is just occasion for them to give special Directions what shall be don in Cases not clearly adjusted in our Rubricks; and hundreds of such Cases might, I conceive, be discover'd. But as to the main Point now before us, which is the Worshipping of God in an unknown Tongue; it is certain, this was a Corruption establish'd here by our first Converters, and continued till the Reign of *Edward* the Sixth. If it were allow'd, that the *Gallic* Offices were receiv'd here for the first Eighty Years after our Conversion, as in truth it cannot, yet they were in the same Language, tho' they were different from the *Roman* in other Points.

XIV. The Worshiping of Saints and Images was not introduced into the Church of *Rome* itself, till some Ages after *Augustin*, tho' they went to the utmost Bounds of what can be deemed lawful in relation to Saints, that is, they prayed to God, that He would hear the Prayers of Saints deceased, which, it was supposed these Saints offer'd in behalf of the Church. And they began to dote on Pictures and Images as very useful Remembrancers. *Augustin*, when he made his Entry into *Canterbury*, had the Picture of our Saviour carried before him, tho' not as an object of Worship, yet as an Ensign of his Profession. *Bede*, who lived above an hundred Years after him, intimates, that Images were used as *Memorandums* and *Descriptions*, which is the Notion that still prevails among the *Lutherans*. And tho' the Centuriators, and others from them, wou'd have it, that Images began to be adored here at the beginning of the Eighth Century, yet they have no Proof of it but the Fictions of some Monks. It is well known that the second Synod of *Nice*, which was the first that determin'd in favour of Images, did not meet till toward the latter end of this Century; and the Emperor *Charles the Great*, opposed this wicked Innovation, and his Secretary *Alcuin*, our Countryman, wrote against it: And upon the whole, ther is good reason to believe, that Image-worship did not prevail here till the middle of the Ninth Century, a while before *Alfred*'s accession to the Throne. And it is

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obſervable, that in all the ancient Memorials here collected, ther is very little appearance of Zeal for the worſhiping either of Saints or Images, till a conſiderable time after the Conqueſt. Prayers and Oblations for the Dead were indeed eſtabliſh'd here from the firſt dawnings of Chriſtianity among us; and ther is reaſon to believe, that ther was no Church, or Age for the firſt 1500 Years, in which theſe Devotions were not uſed; eſpecially becauſe it is evident, that this Practiſe obtain'd among the *Jews* before the Incarnation of our Lord: This appears from 2 *Maccab.* xii. 39. --- 45. which is true Hiſtory, tho' not Canonical Scripture. And ther is no direct or indirect Prohibition of it in the New Teſtament, to the beſt of my Knowledge and Obſervation. But in theſe ancient Times Men were not under any Obligation to offer their Devotions for the dead, upon a Suppoſition that their Souls were in Purgatory; but upon another Principle univerſally granted, *viz.* that they were in a very imperfect ſtate of Happineſs. Yet it muſt be confeſs'd, that the conceit of a Purgatory was gaining ground apace in the Age of *Bede*; but it was an Opinion only, not an Article of Faith, till the Council of *Trent* made it ſo.

XV. The Doctrin of Tranſubſtantiation was ſo far from being planted here by *Auguſtin*, that *Elfric* his Succeſſor in the See of *Canterbury*, four hundred Years after, wrote many Things inconſiſtent with this abſurd Notion, which had been indeed publiſh'd and defended

in *France* by *Paſchaſius Radbertus*, above an hundred Years before *Elfric*, but was not yet eſtabliſh'd either in *France*, or in any other part of Chriſtendom: And no Man in this Age can ſay any thing more irreconcilable to it than he has don in his Homilies. And his Homilies were received as the Doctrin of the Church of *England* in the Tenth and Eleventh Centuries: for they were publickly read by the Prieſts inſtead of Sermons. And I am fully perſuaded, that the Homilies of *Elfric* are more poſitive againſt the Doctrin of Tranſubſtantiation, than the Homilies of the Church of *England* compiled in the Reigns of *Edward* the Sixth and Queen *Elizabeth*.

XVI. As to the Authority which the Pope, who ſent *Auguſtin* hither, aſſum'd to himſelf, it was greater than what his Primitive Predeceſſors claim'd, but moderate in compariſon of That which his Succeſſors ſome Ages after uſurped to themſelves. *Auguſtin*, according to the Inſtructions which he receiv'd from Pope *Gregory*, carry'd himſelf with an Ayre of Superiority toward the *Britiſh* Biſhops, whom he found in *Wales*. And he, as all other Weſtern Archbiſhops, in communion with the See of *Rome*, receiv'd from the Pope a Robe call'd a *Pall*, which they were to put on as often as they ſaid Maſs; which was, in truth, deſign'd as a Badge of their dependance on the Pope: for they could perform no Archiepiſcopal Act till they had been confirm'd and eſtabliſh'd in the Poſſeſſion of their Primacy, by receiving this

this Pall from the Pope. At first the Archbishops were consecrated by some neighbouring Bishops, and had the Pall sent them by the Pope after their Consecration. But toward the end of the Eighth Century at the farthest, the Archbishops Elect were required to go to *Rome* and receive Consecration and the Pall from the Pope's hands. Our *English* Bishops remonstrated against this Innovation, as contrary to ancient practise, and to the declaration of Pope *Honorius* to our Bishop of the same Name, and to the Assertions of the Learned *Alcuin:* And they gave very broad Hints, that this new way of Proceeding gave occasion for Simoniacal Practises. And it is indeed very credible, that when the Popes had drawn our Archbishops Elect to *Rome*, they obliged them to accept the Pall, if not the Consecration, upon their own Terms. If this Remonstrance had been made after the Year 960, when *Elsine*, or *Alsine*, Archbishop Elect, perish'd by Cold in the *Alps*, while he was making his Journey to fetch the Pall from *Rome*, they had had another just ground of Complaint against this Innovation; but their Plea was good without this addition; yet it does not appear that they procur'd any redress of this Hardship. However, this immediately concern'd the Archbishops only, and was not felt by the rest of the Nation. Pope *Vitalian*, within less than Seventy Years after *Augustin*, consecrated *Theodore*, a *Greek* by Birth, who had spent a great part of his Life at *Rome*,

and sent him to be Archbishop of *Canterbury*. This was not taken as if the Pope had imposed a Primate upon us by his own Authority, but as a Proof of *Vitalian*'s Care and Affection for the Church of *England*, and as a publick Blessing to the Nation: for *Theodore* was certainly a Person of as great Abilities as any of his Age; and the Kings of *Kent* and *Northumberland* were consenting to what the Pope did. For Popes had not yet discover'd that plenitude of Power in their own Breasts, by which they afterwards presum'd to fill vacant Sees with Men whom they thought most proper Tools to serve their own Interests; and that sometimes in opposition both to Kings and the lawful Electors. This stretch of Papal Authority was never, I think, put in execution here till the Reign of King *John*. When *Wilfrid* Bishop of *York* was deposed by *Theodore* of *Canterbury*, who was then sole Primate of all *England*, because he would not submit to a Partition of his Huge Diocese, which was commensurate to the Kingdom of *Northumberland*, and the King executed *Theodore*'s Sentence, which was pass'd in a National Council, and *Wilfrid* ran to *Rome*, in hopes of getting Redress from the Pope; *Agatho*, who then sate in the Pontifical Chair, by the Advice of a Synod, refer'd *Wilfrid*'s Cause to a Council to be held in *England*, and recommended him by his Letters to the King. But neither the King nor Archbishop complied with the Pope, nor was any thing don in favour of him, till

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the King was dead, and the Archbiſhop, many Years after, when he was under the Infirmities of an extreme old Age, wrote to the new King in *Wilfrid*'s behalf; upon which he was reſtor'd to ſome part of his former Biſhoprick, and his other Poſſeſſions. And when he was again depoſed, and again took Refuge at *Rome*, and procur'd the Decree of the Pope in Synod in favour of him; tho' *Brihtward* the Archbiſhop of *Canterbury* was willing to comply with the Sentence of the Pope and Synod, yet the King refuſed; for he declared it unreaſonable to receive into Communion a Man twice condemned in a National Synod, in obedience to the Apoſtolical Precepts (ſo the Pope's Letters were then called.) Tho' after this King's Death it was ſaid he declared his Repentance, in reference to his Behaviour to *Wilfrid*, and by virtue of this Report, whether true or falſe, *Wilfrid* again recover'd part of his former Dioceſe, and his Monaſtries. (See *Vol.* 1. *Conc. Angl. pag.* 160, *&c.* 179. 200, 204, *&c.*) And I take it to be certain in Fact, that tho' *Wilfrid* and others, complain'd of ſuppoſed Injuries don them at home, to the Pope of *Rome*, and the Popes themſelves were ready enough to meddle in ſuch Cauſes, yet that neither the Popes aſſumed to themſelves the peremptory and final Deciſion of all Eccleſiaſtical Cauſes; nor would the Kings, Clergy, or People have acknowledged any ſuch Power in him, if he had claim'd it, till a pretty while after the Conqueſt.

XVII. THE fond Devotion of ſome of our Greateſt Monarchs, before the Conqueſt, was indeed very advantagious to the See of *Rome*. It raiſes Indignation in the Breaſt of any true *Engliſh* Chriſtian, to ſee ſo noble a Religion as ours made ſerviceable to the Ends of *Romiſh* Covetouſneſs and Ambition; to obſerve, that Princes that make ſo conſiderable a Figure in Hiſtory as *Ine*, *Offa*, *Ethelwolf*, *Alfred*, and *Cnute*, could find no better employ for their Devotion than to go to *Rome*, and laviſh the Treaſure of the Nation, by indulging a blind Superſtition; and giving the Pope an opportunity, when he had them there, to draw ſuch Acknowledgments and Promiſes from them as might be afterwards made uſe of to the detriment of themſelves and their People. Yet it muſt be confeſt, that all the weak Zeal of our *Saxon* and *Daniſh* Kings never proved ſo Injurious to their Kingdom and People, as the Management of ſome of our braveſt Kings, after the Conqueſt, did. King *Stephen*, and *Henry* the Second, by permitting the Pope to put his Canon Law in execution here; the ſame King *Henry* the Second, by ſubmitting to the Penance injoin'd him by the Pope's Legates, for being, tho' undeſignedly, the occaſion of Archbiſhop *Becket*'s murder; He and his Succeſſors, by levying ſuch vaſt Sums of Money, for recovering the Holy Land, at the Pope's Motion; and above all, King *John*'s reſigning his Crown to the Pope's Legate, and receiving it back again, to be held, as it were,

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in Fee of his Holineſs, were more miſchievous to themſelves and the Nation, than all the expenſive Pilgrimages to *Rome* perform'd by our more ancient Monarchs. I am ſenſible that King *Henry* the Second did oppoſe the Introduction of the Pope's Canon Law, and that this was the foundation of the Quarrel between him and *Becket*; but by afterwards ſo tamely ſubmitting himſelf to the Pope, he built up what he had before deſtroy'd. I know that King *John*'s Peers, and eſpecially his Biſhops, declar'd the Reſignation of his Crown to be null and void, as undoubtedly it was in Fact. But as ſuch Actions gave a pretended Claim to the Pope, ſo This ſerved him and his Succeſſors to keep our Kings afterwards in awe; becauſe they knew in That Age the Pope never wanted Princes to fight his Battles, when he had any colour of Right on his ſide. And, in truth, three or four of King *John*'s immediate Succeſſors, carried it ſo ſubmiſſively to the Popes, that they gave the World reaſon to ſuſpect, they were themſelves afraid that King *John*'s Surrender was of greater force than they were willing others ſhou'd believe. It is hard to conceive, that our Kings ſhould ſtoop ſo low as to accept Grants of Tenths on the Clergy, from the Pope, as they did, if they had thought themſelves Independent, as they undoubtedly were in Right. Nay, it ſeems unaccountable, that Kings ſhou'd permit the Popes to conſecrate Archbiſhops of *Canterbury* on any other bottom, by Bulls of Proviſion,

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Ex plenitudine Poteſtatis, as they did, for near 250 Years together, from *Stephen Langton*, who was advanced to that See in the Year 1206, to *John Kemp*, who came in by That Title in the Year 1452, with very few Exceptions. And it will ſeem more unaccountable ſtill, when it is conſider'd, that during a great part of this time we had Statutes in force againſt *Papal Proviſions*; and the States of the Nation, excepting the Biſhops, who durſt not join with the others for fear of the Pope, were frequently calling on our Kings to put theſe Statutes in force. It was certainly more for the Intereſt of our Kings, that Elections ſhou'd be made by thoſe in whom the Laws and Canons had placed it, I mean in the Cathedral Clergy, and Monks, than in a powerful Foreigner: for ſuch was the Pope at that time of Day: Yet it is not only certain in Fact, that our Kings countenanced *Papal Proviſions*, but that they ſometimes requeſted the Popes to make uſe of this uſurped and moſt unreaſonable Prerogative.

XVIII. THUS by degrees the See of *Rome* finiſhed its Corruptions and Uſurpations. By King *Henry* the Third's Time perfect conſummate Popery reign'd here. Not only the Worſhip of Saints, eſpecially of the Virgin *Mary*, and to their Images was eſtabliſhed here in *England*, but the Devotion of the People was exerciſed chiefly that way; not only the moſt irrational Doctrin of *Tranſubſtantiation* was brought to maturity, but the Idolatry

latry of worshiping the Host with Divine Honour was grafted upon it. The Pope had made himself, in effect, not only absolute Sovereign in Spiritual Matters, but almost in Temporals too. When our Forefathers were first converted by *Augustin*, Pope *Gregory*'s Missionary, they had good reason to suppose, that Christianity was one certain System of Divine Worship, Doctrin, and Discipline. For it must have seem'd absurd to imagin, that a Religion which came from Heaven five or six hundred Years before, was to be always growing, and undergoing Alterations from the Inventions of Men. If it had continued in the same state in which we first receiv'd it, that is, with Divine Service in an unknown Tongue, ther had been just occasion to reform, as to this particular at least. But when in above nine hundred Years they had added above a thousand Grievances, Corruptions, Superstitions, and even Idolatries, and rivetted them into our Constitution, the *English* Nation had certainly just cause to resent the ill Treatment she had received from the See of *Rome*, and to depart from That Church so far as She had departed from her Original Faith, Worship, and Discipline. And that our Charge against that Church is true, the following Sheets are a sufficient demonstration, if we were destitute of all other Evidence, especially the *Constitutions* of *Langton*, and they that follow. It is the common Subterfuge of Papistical Writers, when they are prest sore with Objections against their noto-

notorious Errors, to pretend, that we misrepresent the Doctrins and Practises of their Church and Clergy. Here they have no room for such Evasions: For many, not to say, most of the Doctrins and Practises of the Church are here expresst in the Words of some of the truest and fastest Friends that the Church of *Rome* ever had, the zealous old Bishops and Clergy of the Church of *England*, while She was unhappily engaged in the corrupt Communion of the Church of *Rome*, who had been nursed up in the impure Bosom of That Church, and with an ignorant Sincerity lived and died in it too. And yet I am apt to think, that to the generality of my *English* Readers, this Representation of their Doctrins, and Polity, and Worship, will be an effectual Confutation of them. And my Reader may believe me, when I assure him, that I have not designedly made any Word, or Phrase, in the *English*, sound more, or less, than the Original *Latin* does. The Text of this Work speaks not my own sense, but That of the Bishops, or others, who drew the *Constitutions*: only if any thing appeared dark, or difficult, I have given my Reader what Light I could in my Annotations.

XIX. 3. ANOTHER End I proposed to my self in this Collection, was to give my Reader a more full View of our present *Constitution*, than he can have from the Liturgy, Acts of Parliament, and Canons in *English*, made since the Reformation only. For it is cer-

certain, that the very worſt part of the *Conſtitutions* contain'd in theſe Papers, I mean, thoſe made by Archbiſhop *Langton* and his Succeſſors, down to *Chichley*, are partly yet in force: Theſe are the *Conſtitutions* upon which *Lyndwood* wrote his Gloſs, and of theſe the words of the Statute (25 of *Hen.* 8. *c.* 19.) are to be underſtood, *viz.* "Provided always "that ſuch Canons, Conſtitutions, Or-"dinances, and Synodals Provincial be-"ing already made, which be not contra-"riant, nor repugnant to the Laws, Sta-"tutes, and Cuſtoms of this Realm, nor "to the Damage or hurt of the King's "Prerogative Royal, ſhall now ſtill be "uſed, and executed, as they were afore "the making of this Act." From this Clauſe it is evident, that all Canons and Conſtitutions Eccleſiaſtical, which were in force before the making of this Statute, do ſo ſtill remain. What were contrary to Statute, Cuſtom, (that is, Common Law) and Prerogative Royal could not *legally* be executed before the making of this Statute (tho' they often were in Fact.) But ſuch as might lawfully be put in practiſe before (excepting ſuch Canons as concern Appeals to *Rome*), may be put in practiſe ſtill; unleſs they have been aboliſhed by ſome Statute made ſince This of King *Henry* the Eighth; and many of them have, in whole, or in part, been annull'd by the Acts of *Uniformity*, which eſtabliſh the Uſe of the Com-

Common-Prayer-Book; which doth in very many Particulars contradict these Constitutions. No Canons made since This Act have so direct and express a Ratification given them by Statute, as these which were made and executed before that time. Therfore, tho' generally speaking, when two Canons clash with each other, the last is of greatest Authority; yet the Canons of 1603 being confirmed by the King only, and not by Act of Parliament, cannot abate the force of the old Constitutions: For these Canons made in the Year 1603, are only by Implication, not by express Words, allowed to be put in execution, by *Stat.* 13 *Car.* 2. *c.* 12.

XX. The Words of this Statute of *Henry* the Eighth are so understood, as to confirm not only these Constitutions, so far as consistent with Statute, Law, or Prerogative Royal, but even so much of the Pope's Canon Law as was here commonly receiv'd: As for instance, it passes as good Law in our Temporal Courts, that the *Lateran* Canon against Pluralities is of as great force as an Act of Parliament. What part of the Canon Law was receiv'd in *England*, and the manner of putting That, and our Domestic Constitutions in practise, is to be learn'd from *Lyndwood*: for by the common consent of Lawyers, what he delivers as the Common Law of the Church is so to this Day, excepting where it is annull'd by Statute. And the Legatin Constitutions of *Otto*, and *Othobon*, are to be reckon'd among our own

own domeſtic Conſtitutions. *Lyndwood* every where ſpeaks of them as in force: But the Gloſſator on theſe Conſtitutions laſt mentioned, *John Athone* is not a Writer of ſo much Authority as *Lyndwood*.

XXI. Some Great Men have been willing to have it thought, that Eccleſiaſtical Juriſdiction ſubſiſts only by virtue of the Clauſe in the Statute of King *Henry* the Eighth, above recited. This is a very ſtrange Sentiment, contrary to the Faith of Hiſtory, and to all publick Memorials and Monuments of Antiquity relating to the Church, which do all ſerve to confirm this Truth, that Eccleſiaſtical Juriſdiction is coevous to the Church itſelf, inherent in her as a Religious Society founded by Chriſt, and inſeparable from her for the ſame reaſon. If Diſcipline were not exerciſed for the firſt Seventy Years after *Auguſtin* came over to convert us, the reaſon was plainly this, that the Church was not yet ſettled: the Biſhops found buſineſs enough in making and baptizing Converts, in building Edifices for Religious Aſſemblies, in regulating thoſe Aſſemblies, and inſtructing their new Converts, and teaching them how to conduct themſelves in Divine Worſhip, and in all Points of Duty, both publick and private: and Seventy Years was no long time for ſuch a Work, conſidering the Obſtructions they met with. It is evident that *Theodore*, who was advanced to the See of *Canterbury* in the Year 668, did exerciſe Eccleſiaſtical Diſcipline, as *Ecgbriht* ſoon after

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also did in the other Province; and ther is no reason to suppose, that it was ever after interrupted. Ther is scarce any Crime mention'd in the *Saxon* Laws, but that Satisfaction was to be made for it *to God*, as well as *to the World*, that is, Penance was to be enjoined in the Ecclesiastical Court, as well as a corporal Punishment to be suffered in the Civil Court. Tho' the Bishop sate with the Alderman in the County, or Hundred, to administer Temporal Justice; yet this did not at all hinder his exercising a Spiritual Jurisdiction. And tho' the Laws determin'd what the Temporal Fines or Punishment should be, yet they, for the most part, left the Penance to the Bishop's Discretion, or to be regulated by the Canons. *William* the First did indeed confine the Bishops, and other Prelates to their own Courts, and not permit them to sit in the County, or Hundred: and this was done in conformity to the Canons, which forbad Ecclesiastics to exercise Civil Jurisdiction. Yet the Laws of King *Henry* the First restore the Bishop to the County Court. But ther is not, to the best of my Knowledge, one single Instance of a King, Gemote, or Parliament, either before, or since the Conquest, that ever offer'd to deny Bishops the Right exercising of Ecclesiastical Jurisdiction, but rather gave them their Assistance toward the doing it more effectually; excepting what was done in the Minority of *Edward* the Sixth: therfore I conclude, that Ecclesiastical Jurisdiction, abstractedly consi-

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der'd, does not subsist by virtue of one Clause in a single Statute, but by virtue of the original, inherent Authority of Bishops, allow'd and recogniz'd, from time to time, by the Kings and all the Legislative Power of the Nation.

That Bishops are limited to the particular Way and Manner of exercising their Jurisdiction, specified in that Act, is indeed owing to That Clause. That they are to do it according to the Canons and Constitutions then already made, is a Restraint laid upon them, whereby their Hands are tied from making any Reformation in their own Courts, unless it appears that they deviate from the practise used at the time of making this Act: and it may therfore be said, that the present manner of exercising their Jurisdiction subsists by this Clause. In the Ages between King *Henry* III. and King *Henry* VIII. the Archbishops of *Canterbury* regulated their Courts; and ther are several Bodies of Statutes in Sir *H. S.*'s second Volume of Councils made by several Archbishops for this purpose. And I conceive the Bishops too, during the same Ages, had the Government of their Courts, tho' subject to the Visitation and Correction of the Archbishop. But by That Clause in the Statute of *Henry* VIII, they were ever since tied down to the Manner and Method of Proceeding, which then obtained. And the Power of the King and Bishops, in, or out of Convocation, cannot make any alteration in this respect, without

a new Act of Parliament. And this should have stopped the foul Mouth of that Pamphleteer, who wrote the *Anatomy of the Church*. He charges it on the Church as a Fault, that the Corruptions of the Ecclesiastical Court are not reform'd: But he ought to have known, that the Church hath not Power to alter the Fault of her own Courts. I wish this were the only Instance of the Convocation and Clergy's bearing the Imputation of *other Mens Omissions*. It must be own'd, that 'tis a great unhappiness in our Constitution, that it is not all of a Piece; and that our Discipline and Ecclesiastical Government were not wholly new modell'd, as well as our Worship and Doctrine, at the beginning of the Reformation, or since that Time. Every body knows the Story of the intended Reformation of the Ecclesiastical Laws, and how it miscarried. I wish with all my Heart, that, in due season, the Convocation, whose proper Business it is, may be so far countenanced by the Legislature, (without which it is impossible) as that so good a Work may be brought to maturity. In the Reign of our late Gracious Queen, the Convocation gave sufficient Proof of their good Disposition to contribute all that lay in their Power to this excellent End. But their Endeavours prov'd abortive, as they must ever do, while under such Restraints, unless in some critical Juncture, when the whole Legislature shines upon them.

XXIII. DURING the time of our *Saxon*, and even *Daniſh* Kings, the Biſhops were in full Poſſeſſion of the Power of making, as well as executing Canons: nor does it appear, that they ever abus'd it to the hurt of the Civil Government. Our Kings were ſo far from apprehending any Miſchief from Eccleſiaſtical Synods, or from ſending their Prohibitions to them, that they often honoured theſe Aſſemblies with the Preſence of themſelves and their Nobility, without interpoſing in their Debates, or giving any Stop or Impediment to their Diffinitions. The *Norman* Princes never attempted to diminiſh, or interrupt the Archbiſhop's ancient Right and Practiſe of aſſembling Synods, and making ſuch Canons and Eccleſiaſtical Proviſions as were deem'd neceſſary, or ſeaſonable. But after the Pope had ſet himſelf up for Sovereign in Temporals, as well as Spirituals; and in order to exerciſe this Sovereignty, had introduced his Canon-Law into all Nations that were in Communion with him; and had a number of Men in every Country ready to execute his Will and Pleaſure, in oppoſition to the Civil Government, and to its great Detriment, our Kings ſaw it neceſſary to check the Arrogance of the Popes and his Creatures here in *England*, by ſending Prohibitions to the Biſhops, in their Synods (that they might make no Canons to the Injury of the King's Prerogative, and of the Civil Conſtitution) and in their Courts, that they might put no ſuch Canons in execution. And,

to ſpeak the truth; if it had not been for theſe Prohibitions, ther is reaſon to believe, the Eccleſiaſtical Juriſdiction had ſwallowed up the Temporal, and made a perpetual Non-Term in *Weſtminſter-Hall*; and ther had been no occaſion for Temporal Judges, unleſs to paſs Sentence for loſs of Life, or Limb, on great Criminals. But ſtill the Authority of enacting Canons and Conſtitutions in Matters meerly Spiritual, and the Cognuſance of ſuch Cauſes remain'd untouch'd, entirely in the hands of the Convocation, as to the Enactive Part, and of the Prelates, as to the Executive. While we had *Boniface* for our Archbiſhop, and others of his Temper, in the Inferior Dignities of the Church, it muſt be confeſs'd, that our Kings and Parliaments had don but Juſtice to themſelves, if they had put a Stop to their Aſſemblies, and had taken care to ſend That Foreigner home to his own Country, and to ſee a True *Engliſhman* put into his Chair. But our Primates and other Prelates had been ſufficiently tam'd and humbl'd before they were brought under the Diſabilities laid on them by the Act of Submiſſion. And by the extream Caution with which they proceeded in thoſe Times, and ever ſince, even in Matters which the Law left in their Power, I have good reaſon to doubt, whether they wou'd have exerted their ancient Rights, of which I now am ſpeaking (tho' they had been entirely poſſeſt of them) without Royal Licenſe.

XXIV.

XXIV. THO' the *Saxon* Biſhops had an unlimited Power of making Canons; yet we have many Laws relating to Matters meerly Spiritual, enacted by Kings in their Great Councils, or Civil Gemotes. This may ſeem to ſome to have been an Entrenchment on the Authority of the Biſhops. To this it has been anſwered, that the Biſhops, without whom no Great Council was held, retired into a Place by themſelves, in order to draw up and enact Laws relating to Religion, as was the Practiſe in ſome neighbouring Countries. And I will not deny that this might ſometimes be don. Yet when I ſee here and there an Eccleſiaſtical Law interſpers'd among a great number of ſuch as are purely Temporal; at other times, almoſt an equal number of Eccleſiaſtical and Civil Laws, mutually ſucceeding each other in the ſame Syſtem; at other times, two or three Eccleſiaſtical Laws dropt into a Set of Temporal, and, *vice versâ*, Temporal among Eccleſiaſtical, I am inclined to believe, that both ſort of Laws were made by an amicable conjunction of both Powers. In truth, the old *Saxon* Laws and *Engliſh* Statutes made in relation to the Church, were, in effect, only Civil Sanctions of old Canons, or Grants made to the Church of ſome Civil Privileges which ſhe enjoyed not before; or a reinforcement of ſome ſuch Grant with Penalties annex'd: and ther could be no juſt reaſon, why the Biſhops and Clergy ſhould not accept the aſſiſtance of the Kings and Great Men for theſe Purpoſes;

eſpecially while Stateſmen never practis'd the Art of giving with one hand and taking away with another; but upon all occaſions made it appear, that they had really the benefit of the Church at Heart, without any doubling or diſguiſe. A Man that reads all the Laws before the Conqueſt, will, upon reflection, be tempted to believe, that they were all drawn, or propoſed by the Biſhops, or Clergy, whoſoever they were that gave their Conſent to the enacting of them. I do not remember a ſingle Inſtance of a Law, but what any Biſhop, upon the Principles of That Age, might fairly conſent to; and no Law relating to the Church, or Religion, but what may juſtly be thought to have been promoted, if not poſtulated, by the Prelates. And I take the Articles of *Clarendon* to be the firſt Inſtance in our Hiſtory of making Laws that Biſhops did not care to ſign.

XXV. I have juſt reaſon to believe, that if it had been in the Power of the Archbiſhops and Biſhops, or of a Convocation aſſembled by Royal Summons, and authorized by Royal Licenſe, to revoke and annul theſe Conſtitutions, from *Henry* the Third's Reign, to That of *Henry* the Eighth, the thing muſt have been don long ago, and we had had an entire Body of Eccleſiaſtical Canons, agreeable in all reſpects to the Spirit of the Reformation, and the Eccleſiaſtical Courts had been brought under a ſuitable Regulation. But we muſt confeſs, that this Work has been taken out of the hands of our Prelates and Convocation, and they

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therfore ought not to lie under the Blame of this Omiſſion. But they and we muſt take Matters as we find them, and muſt be content, that ſo much of theſe Conſtitutions as is not contrary to Statute, Common-Law, or Royal Prerogative, ſhou'd ſtill be in force; and therfore I thought proper to publiſh them in the *Engliſh* Tongue, that they may no longer be conceal'd from any that are concern'd, or deſirous to know them. For as theſe Conſtitutions were firſt made by Papiſts, and contain in them many of the groſſeſt Corruptions; ſo hitherto, like the reſt of the Trumpery of That Church, they have been hid from the Eyes of the People, under the Veil of an unknown Tongue. And I thought it would be for the Service of the Publick to bring them to light.

XXVI. Some may, perhaps, eſteem theſe Conſtitutions to be ſuch a Blemiſh in our Church, as to render her Communion dangerous: and ſo ſhould I, if the whole, or even one half of them, were ſtill in force. But it is evident none of them are, none can be deem'd of any validity, but ſuch as are not contrary to our Common-Prayer-Book, or Thirty Nine Articles, and, by conſequence, our Homilies. For theſe are confirm'd by Statute; and a Statute (tho' no other Authority) is ſufficient to invalidate, or ſet aſide theſe Conſtitutions. Nor need any Man, nor even Clergymen, be ſcrupulous on the account of the Corruptions ſtill remaining in Eccleſiaſtical Courts, to which they are ſubject. It is wholly the

Governour's Part to see that the administration of Canons, Laws, and Discipline be right and just: For the Subject's Duty is only to obey, not to direct and regulate the Proceedings of his Superiors. And certainly ther can be no Fault in submitting to, and complying with the Commands of them that are in Authority, in case those Commands do imply nothing that is sinful. Granting, that the Manner and Form of the Ecclesiastical Judicature is liable to just Objections; yet it can be no fault for Subjects to allow of, and act according to their Determinations, upon Supposition, that they contain nothing contrary to Reason, Scripture, and Good Conscience. I think it altogether as justifiable for a Private Clergyman to execute the Precept that issues from a corrupt Court, as to read a Chapter in the Church out of a Bible that he knows contains many Mis-translations, so long as he knows, that these Corruptions or Mis-translations do not directly hinder the Salvation of Mens Souls. They that think all Discipline, or even Divine Worship unlawful, but what hath no mixture of Impurities, must go out of this World to seek for it. Ther is no such thing here on Earth. But it must be a very bad Church Government, or Discipline indeed, that is not better than none at all.

XXVII. If our Canons and Ecclesiastical Courts were modell'd never so exactly, according to Scripture, Antiquity, and the Judgment of the best Reformed Divines, yet the Know-

Knowledge of these Constitutions would have been of considerable use: because in many Cases old Laws and Canons serve to clear, or give light to new ones: therfore the Learned Bishop *Gibson* hath, with good reason, printed the old obsolete Statutes, as well as those which came in their stead. And farther, it seems very probable, that if we had one certain Body of Ecclesiastical Canons and Constitutions, compil'd by our Convocation since the Reformation, yet they would, according to the Method of Architects, have made as many of the old Materials as were for their purpose, serve toward the erecting their new Structure. Thus they proceeded in composing the Book of Common-Prayer. I mean, they translated what they thought best out of the *Latin* Service into the *English*. And as no greater Errors have been committed, in relation to our Liturgy, than those that have proceeded from an Ignorance of the *Latin* Missal, *Computus*, and other Ecclesiastical Books; so they who would have pretended to have understood the new (supposed) System of Canons, without comparing them with the old ones, would only have exposed themselves, as those others have don in relation to the Common-Prayer-Book: we may guess at what Method would have been taken in drawing up a new Body of Ecclesiastical Laws, by looking into the *Reformatio Legum Ecclesiasticarum*: and as it is evident, that they who compiled That System were well acquainted with the

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old Canon-Law; ſo it is as evident, that they who were to explain, or put in practiſe That Scheme of Diſcipline, would have had frequent occaſion to recur to theſe *Conſtitutions*, and to *Lyndwood*'s Gloſs upon them.

XXVIII. It is not my Intention to degrade the Common-Prayer-Book, by obſerving that a very conſiderable part of it was taken from the publick Service-Books of the *Romiſh* Church. For it can ſeem no Paradox to them that are in any Meaſure acquainted with thoſe Service Books to aſſert that ther are many moſt excellent Things among much Rubbiſh, and Filth, even in the Miſſal itſelf; And tho' I may perhaps be thought to take a bold Step in the next thing I have to ſay; yet I am confident that all who impartially read even the worſt Part of theſe Conſtitutions beginning at *Langton*'s, and ending at *Chichley*'s, will be ready to ſecond me when I ſay, that whenever the good Work of making a Syſtem of Eccleſiaſtical Canons is to be performed, ther are a great many particulars even in theſe Conſtitutions, which will well deſerve a Place in this (now ſuppoſed) Syſtem; and eſpecially in the foregoing Part of the Work; This agrees with,

XXIX. The laſt End which I propoſed to my ſelf in this Work, *viz.* That the diſcreet Reader, by looking back into the ancient Uſages of our Forefathers, may diſcern which of them may deſerve to be reſtored. I know ther are ſome who call nothing Reformation, but what in other caſes we call Deſtruction,

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that is, pulling down the whole Fabrick. They imploy all their fine Talents this Way, I mean in denying, or demoliſhing old Principles, and Practiſes, and in endeavouring to bring old Syſtems into Contempt, without letting us know what they would inſtitute in the ſtead of our preſent Conſtitution, if they can ſucceed in their Attempts to ſubvert it; only from the Genius of the Men we may eaſily be convinced, that the Foundations of our preſent Structure muſt be broken up, and the whole Frame be ſhatter'd, if they can obtain their Ends, and in lieu therof we muſt have ſome thing as thin, moveable, and pliant as a Shepherd's Tent, as periſhable as a Gourd with a Worm in it. As to the external Œconomy of Church, and Religion they ſeem to have no Care, or Concern; and as for the internal Furniture, ſo far as I am informed, they aſſert but one thing to be neceſſary, that is *Sincerity:* And in this Point alone they are poſitive. They may pretend to take their Materials from the Scriptures; but they muſt firſt interpret away the true Senſe of the Text by their new Gloſſes. Till now of late a Deference hath been paid to what is ancient, and a great deal of this ſort is to be found in this Collection, at leaſt in the former Part of it: and Papiſts do in no Points with ſo much Shew of Reaſon triumph over Proteſtants, as in thoſe few Particulars, in which they have Antiquity with them. And I think it concerns all that have a real Concern for

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the Reformation to silence their boasting by following the Pattern of the Primitive Church in all Particulars; and to be asham'd to see that our Forefathers a thousand Years ago with all their Ignorance, trode more closely in the Steps of the Primitive, and even Apostolical Fathers, in some Points, than we, with all our Pretenses to greater Knowledge and Purity.

XXX. THE mighty Objection of the Men of this Age against the Church of the three first Centuries, is that their Doctrins and Practises were the Occasion of introducing the most gross Errors of the Church of *Rome*. Was it not, say they, the Opinions of the Ancients, concerning the Merits of Saints and Martyrs, that brought in the Worship of them in after Ages? Were not the Publick Confessions and Penances injoined to Criminals in the ancient Church, the rise of those Private Confessions and Penances injoin'd by Priests in the degenerate Ages? Did not the Privilege of the Primitive Bishops in relaxing Publick Penances, prove afterwards the occasion of *Roman* Indulgences? Was not the Honour paid to the Bishops and Clergy in the Primitive Church, an Introduction to that blind Obedience which they claimed in the darker Times? Did not their Prayers for the Souls of Saints deceased give Occasion for the Belief of Purgatory? and their Belief of a mysterious inward Change of the Elements into the Body and Blood of Christ, lead the Way to Transubstantiation? But if every thing that has been the Occasion of

Error

Error is therfore to be rejected, then we muſt bid farewel to Chriſtianity itſelf. For it is evident, that none of theſe Errors had ever been broach'd, if Chriſtianity had never been preach'd, and eſtabliſh'd. At this rate, God would be very gracious in depriving us of Meat, and Drink, and Light, becauſe many Men make Uſe of them all to do great Miſchief to themſelves, and others. No Things in nature are the occaſion of more Sin and Folly: Shall therfore the virtuous and prudent Part of Mankind make no uſe of them, or forbid the uſe of them to others? If they who make theſe Objections againſt Antiquity, are at the heart Chriſtians, let me deſire them to conſider, that this Argument is altogether as ſtrong againſt the Bible itſelf as againſt the Primitive Church. If the Scriptures had not ſpoke honourably of Righteous Men, the Primitive Chriſtians had never celebrated their Memories in the manner they did; if the New Teſtament had not requir'd Men to confeſs their Sins one to another, and to bring their Bodies into Subjection, and if the Apoſtle had not threatned Offenders with a Rod, ther had been no ſuch Penances as we read of in the Churches of thoſe firſt Ages; if the Goſpel had not ſpoke of the Keys of the Kingdom of Heaven being given to the Apoſtles, and of their Power of binding and looſing, it cannot be conceived that the ancient Chriſtians would have paid ſuch regard to their Succeſſors as they did; if the Scriptures had not

not ſpoke of the Souls of good Men being in *Hades* (Hell, as we often tranſlate it), and of Sins being remitted in the World to come, ther is no reaſon to think that the Chriſtians of thoſe Ages would have offer'd their Devotions in behalf of their deceaſed Brethren; if our Saviour had not pronounced the Euchariſtical Bread to be his Body, and the Apoſtle had not paſs'd Sentence on unworthy Receivers, as Guilty of Chriſt's Body and Blood, the Primitive Church had never entertain'd a Belief of ſuch a myſterious Change. It is the Part of Wiſemen to diſtinguiſh between the Doctrines of the Primitive Church, and the Errors, which are ſuppoſed by Accident, and thro' the Perverſeneſs of weak, or deſigning Men to have been occaſion'd by them, and not to reject the firſt for the ſake of the latter. The Sun is an Occaſion of Corruption in all Terreſtrial Bodies: Will therfore any Man of common Diſcretion wiſh the Sun out of the Firmament on account of this accidental Inconveniency; Or will he adviſe Men to beware how they permit themſelves, or their Fields to be warmed by its kindly Rays, and Influencies, becauſe by means of its Warmth, much Corruption, and Miſchief hath been done?

XXXI. AND I recommend nothing to my Reader as fit to be imitated in theſe Papers, but what was originally taken from the firſt, pureſt Ages, or what is perfectly conſiſtent with primitive Chriſtianity; ſuch Canons and

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Conſtitutions, for Inſtance, as tend to the reſtoring ancient Diſcipline and Worſhip, that require a proper Behaviour in Biſhops, and Clergymen, and ſerve to quicken their Diligence in all Parts of their Duty, eſpecially in the Adminiſtration of Sacraments, and that caution them againſt Simony, and all Trading or Trafficking in Holy Things; and, in a Word, ſuch as were deſigned to promote Devotion, Piety, and good Morality, both among the Clergy and Laity. And thoſe few good Hints that we find in the Conſtitutions of the worſt Ages ſhould ſerve as a caution to us not to fall below the Laws, or Rules of the moſt corrupt Ages of the Church in the Conduct of our ſelves. I have not here, or in the Book itſelf often pointed at Particulars, becauſe I thought them perceivable enough to every ſagacious Reader, and becauſe ſome Points would ſeem too harſh, and even invidious.

XXXII. BUT ther is one thing of ſo high a Nature, that my Reader will excuſe me, if I take this Occaſion of ſpeaking more largely upon it. It is the Oblation in the Euchariſt. This a Practiſe and Doctrin mention'd in very many of the following Memorials, which prevailed here as well as in all other Countries, from the very beginning of Chriſtianity. This was deliver'd to us in a tolerable Degree of Purity by our Apoſtle (if I may have leave ſo to call him) the firſt Archbiſhop of *Canterbury*, if it had been tranſlated into the *Anglo-Saxonic* Tongue, the only Language

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our Anceſtors underſtood. I cannot indeed ſay, that it was in its perfectly primitive State, as practiſed by St. *Clement*, or the other firſt Biſhops of *Rome*, and as it came from the Hands of the Apoſtles themſelves. But tho' the Euchariſtical Service had before the Converſion of the *Engliſh*, undergone ſeveral Alterations for the worſe; yet, as it ſtill ſtands in the Sacramentary of Pope *Gregory* the Great, ther is nothing in the Oblation itſelf that greatly deſerves our Cenſure: and I cannot but freely declare my Judgment on this Occaſion, that a Liturgy with the oblatory Form, as we have it in that Sacramentary, is in this Reſpect more perfect, than any Liturgy that wholly wants ſuch an oblatory Form. And from the following Monuments it will, I conceive, evidently appear, that it was the then *Roman* Liturgy, which *Auguſtin*, and his Fellow Biſhops uſed in *England*, and which was continued with ſome Variations down to the Reign of King *Edward* the Sixth.

XXXIII. I am very ſenſible, that I have incurr'd the great Indignation of many by what I have formerly publiſhed on this Subject: and I profeſs my ſelf in a readineſs to incur their greater Indignation ſtill, if their good Will is not to be purchaſed without abandoning of Truth, or dropping ſo valuable, and eſſential a Part of the Chriſtian Worſhip. But I deſire my Reader to obſerve that I ſpeak this of the Oblation ſtrictly ſo called, and as diſtinguiſh'd from all other Parts of

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Pope *Gregory*'s Euchariſtical Service; nor would I be underſtood to approve his omitting the Invocation of the Holy Ghoſt: tho' here too I muſt add, that by praying for the Divine Grace and Benediction, on the Symbols he hath rendred his Form of Conſecration preferable in this Reſpect to all Conſecration-Prayers, that mention not either the Deſcent of the Holy Ghoſt, or the Divine Benediction of the Bread and Wine.

XXXIV. It has been a current Notion countenanced by Men of Great Name, that in the Reformed Churches the Sermon ſucceeded in the room of High-Maſs. A ſtrange Succeſſion this, that one Part of the High-Maſs (for ſuch the Sermon was always eſteemed, tho' not a neceſſary Part) ſhould ſucceed in the ſtead of the whole. I wiſh, it could in Truth and Juſtice have been ſaid, that the Primitive Apoſtolical Communion-Service ſucceeded as it ought to have done, in Place of the corrupt Maſs of the Church of *Rome*. Diſcreet and Serious Preaching is uſeful, and even neceſſary to preſerve the Clergy and People from relapſing into ſuch a State of Ignorance, as that, from which the Reformation recovered us. But it is too evident, that the licentious Way of Preaching, uſed of late Years, hath done infinite Miſchief to Religion; and hath ſerved to diſtract Mens Underſtandings rather than to ſettle their Judgments. And things are come to ſuch a paſs, that no Man can explain, and inculcate even the Articles of our Faith, or

ſome of the moſt neceſſary Parts of Chriſtian Duty, but he muſt offend one Part of his Congregation. And whereas ſo much ſtreſs hath been laid on the Pulpit, and the Hearing of Sermons has been eſteem'd the principal Part of outward Religion ever ſince the Reformation, every diſcerning Man cannot but ſee the fatal Conſequence of it, when he obſerves, that now at laſt Preaching hath not only loſt its Power and Effect, but even its Credit and Eſteem among thoſe who moſt of all want good Inſtruction: and this hath proceeded chiefly from the Claſhing and Contradiction of Preachers, and from an Affectation of oppoſing publick Conſtitutions, and making an Oſtentation of Knowledge, and of Superiority of Judgment in the Pulpit; and a Contempt of the Primitive Church, as well as of the preſent. Such Preaching muſt of Neceſſity in a ſhort Time deſtroy the Reformation, that it was intended to ſupport; and threatens great Miſchief, and even Ruin to Chriſtianity itſelf, unleſs ſome timely Care be taken by a Regular Eccleſiaſtical Method to reſtrain Preachers from publiſhing their own crude Inventions in Chriſtian Aſſemblies; and the People be effectually taught to make a Diſtinction between airy Harangues form'd, and contrived on Purpoſe to ſtagger, and diſunite the Minds of the People; and ſober, ſound, practical Sermons fitted to their Capacities, and to the building Men up in Faith, Peace and Holineſs. I freely own Preaching to be a Divine Ordi-

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nance, and much uſed in the Primitive Church, but principally by Biſhops to thoſe of their own Dioceſe. Prieſts did ſometimes preach as well as Biſhops, and very often in ſome Places; and ther is a Neceſſity they ſhould do it now, when ther are ſo many Churches in every Dioceſe, and the greateſt Part of them ſo remote from the Cathedral, but certainly ſome ſpecial Proviſion ought to be made, that none, however they be dignified or diſtinguiſh'd, be permitted, under Pretence of Preaching, to run down old Chriſtianity and Primitive Divine Truths.

XXXV. And tho' ther was frequent Preaching in the Primitive Church; yet the Euchariſt was much more frequent than the Sermon; and in this Point we of this Church are directly oppoſite to the Primitive. They conſider'd the Euchariſt as the ſtanding ſtated ſolemn Worſhip of the Chriſtian Church, as the moſt acceptable prevailing Sacrifice that could be offer'd by Men, as the certain means of keeping an uninterupted Communion with God and Chriſt, and one another, and of fortifying themſelves in their Conflicts againſt the Wicked World and Helliſh Spirits; they conſider'd it as an Inſtitution perfectly Divine, on the effects whereof they might entirely rely, if they celebrated and received it according to their Maſter's Direction. They eſteem'd Sermons as a very proper Appendage to this Sacrament, but not as an eſſential Ingredient of it; they knew, that tho' it was the Duty of

Paſtors to inſtruct their Flocks, yet ther muſt needs be a mixture of humane Infirmity in the beſt compoſed Inſtructions that Biſhops, or Prieſts, were able to give them; but that, on the other ſide, the Euchariſt was entirely the Ordinance of *Chriſt Jeſus* Himſelf, in the uſe whereof there was no room for the Additions of humane Wit, or Fancy, or falſe Rhetorick, while the Church ſtuck cloſe to the Primitive Inſtitution, as She certainly did for the firſt four hundred Years, at leaſt. And certainly the moſt ſure way to reſtore the Church to its true ancient Strength and Beauty, is to begin with That which is of the greateſt Moment; I mean the Re-eſtabliſhment of the Primitive Communion-Office, and the Frequent Celebration of it, *viz.* every Lord's-Day at the leaſt. By this means the Publick Chriſtian Worſhip will be fix'd upon its proper Baſis: Religion will not ſo much depend on Mens ſhewing their Parts in the Pulpit, nor change its Shapes according to the Humours and Caprice of Innovators; and thoſe of the Sacred Order will be kept imploy'd in their proper Office; and the uſefulneſs and importance of their Miniſtration will be eaſily manifeſted to all Serious Chriſtians, if they themſelves be not wanting in their Publick and Private Inſtructions, to inſtil into the People juſt Notions of all the Subſtantial Duties of Religion, and eſpecially of the Holy Euchariſt, in which, I may be bold to ſay, the whole of our Religion may fairly, and without any

any force, be ſumm'd up, and recapitulated.

XXXVI. Our Right Reverend Fathers do, upon all occaſions, hint to us their Opinion of the neceſſity of reviewing the Liturgy of the Church of *England*. And I cannot but declare my Opinion, That ther is no one Office in That Book, which more needs a Review, than the Communion-Service: And I cannot but conceive ſome hopes, that this will be don, whenever our Convocation ſhall be permitted to enter upon that Great Work. For I cannot but with Satisfaction obſerve, that Divines of the Greateſt Note in our Church do not ſpeak ſuch abhorrence, or expreſs ſo zealous an Indignation againſt the Sacrifice as they have formerly don. One of the moſt eminent of them, whom I could leaſt of all hope to favour my Sentiments, in a Sermon preach'd at an Anniverſary Meeting of the Charity-Schools, 1716, is content to ſay, that "Whether the Lord's-Supper be a Real "Sacrifice, or only a Commemoration of a "Real Sacrifice, Divines are agreed, that the "Spiritual Effects are the very ſame." And it is true, that Divines who do not believe the Euchariſt to be a Sacrifice, may, and probably do, propoſe to themſelves the ſame Ends in adminiſtring and receiving this Sacrament, with thoſe that believe it to be a Sacrifice; but the true ſtate of the Queſtion is, Whether they who do not believe it to be a Sacrifice, nor adminiſter it as ſuch, do really ob-

tain those Ends? Or, Whether it can be That Sacrament which was Instituted by Christ, if it be not consecrated in the manner that Christ directed? Or, Whether it can be truly Consecrated without being offer'd to God? Further, this Great Man thinks it much to be lamented, "That Divines shou'd raise a Dis- "pute concerning That Point (the Sacrifice of "the Eucharist) at a time when it is openly "denied, that the very Sacrifice of Christ was "real and propitiatory." Now, with submission, I know no time more seasonable for the Confutation of any false Doctrin, than That in which it was publish'd and advanc'd. And by proving the Eucharist to be a Sacrifice we do, by necessary consequence, prove Christ's Natural Body and Blood to have been a Sacrifice: and if it was a Sacrifice, it must unavoidably be Propitiatory; because ther never was any Sacrifice offer'd to God in a due manner, but what was Propitiatory: And Propitiation is essential to Sacrifice duly offer'd. And I must humbly declare my Opinion, that it is impossible to establish the Doctrin of *Christ*'s Body and Blood being a Real Sacrifice, by any other Arguments but those by which we prove the Eucharist to have been instituted as a Sacrifice by our Blessed Saviour. It wou'd be a very great hardship upon the Assertors of the Sacrifice, if they must be restrained from publishing their Notions till all the *Socinians* are dead. And it wou'd much better have become this Great Man to have injoin'd Silence

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to the *Socinians*, than to the Defenders of this Apoſtolical Truth. And if we muſt be Silenc'd till we have prov'd the Reality of the Sacrifice of Chriſt, without proving at the ſame time the Sacrifice of the Euchariſt, I am pretty ſure, we may ſtay till Dooms-day, and yet neither be able to do it ourſelves, nor to ſee it don by others.

XXXVII. I cannot but acknowledge my Obligations to the Author of, *No ſufficient Reaſons*, &c. *Part* II. for informing me of the Grand Objection made againſt my Explanation of the Sacrifice in the Euchariſt: for without this Information I had had no occaſion to remove that Objection, which I chooſe to repreſent in his own Words, *viz.* Mr. *Johnſon* ſuppoſes our Saviour to have begun his "Oblation of himſelf for our Redemption, "when he inſtituted his Laſt-Supper, and "thenceforward continued it even to his Aſcen- "ſion into Heaven: whereas he himſelf tells "us, more than once, that it was our Savi- "our's Sacramental, and conſequently not his "Real and Natural Body that He then offer'd "in company of his Diſciples. And ſince his "Natural Body was not then offer'd, how the "Oblation there made ſhou'd be more than "Repreſentative of that upon the Croſs; or, "in other Terms, that they ſhou'd be one and "the ſame Oblation, is a Myſtery I find others "as well as my ſelf unable to comprehend." *Pag.* 94. and juſt before he tells us, theſe *others* are Perſons of Learning and Worth.

XXXVIII. I am the leſs ſurpriſed at this, becauſe the late Reverend Dr. *Hickes* (to whoſe Judgment I paid a ſingular Deference, in compoſing the Firſt Part of the *Unbloody Sacrifice*) did for a long time demurr upon this Point, after I had propoſed it to him. The Pious Mr. *Nelſon* wrote a Letter to me, deſiring me to ſubmit to Dr. *Hickes*'s Judgment in this Matter. But after I had drawn up my Reaſons and Authorities at large, and laid them before him, the Dr. did, by Letter, declare, that he came into my Sentiment, and not only ſo, but being about that time reading *Clemens Alexandrinus*, τίς ὁ σωζομένος, he ſent me a Citation out of that Book very much to this purpoſe: and which I have inſerted in my Appendix to the Firſt Part of *Unbl. Sacr. pag.7.g.* And I cannot but think, that this Worthy and Learned Writer, and his Friends, wou'd follow Dr. *Hickes* in this Particular, as they do in many others, if they wou'd pleaſe to conſider this Point with that Impartiality that he did. And for evidence of the Truth of the Matter of Fact, as here repreſented, I have Dr. *Hickes*'s Letters yet to ſhew, and (I think) Mr. *Nelſon*'s too.

XXXIX. Mr. *J------n*, ſays our Author, tells us, more than once, *That it was our Saviour's Sacramental Body, that he offer'd in company of his Apoſtles.* True, but I never ſay it was *His Sacramental Body only:* Nay, but in the very place to which he refers, I affirm, that *Chriſt did at once offer, or give to God, Bread*

Bread and Wine, and gave them as a Pledge and Earneſt of the Natural Body and Blood, &c. *Unbl. Sacr. pag.* 87. *Part* 1. And whoever reads my two Books on this Subject, will find, that I perpetually expreſs myſelf to the ſame purpoſe. And if I had not, yet *Page* 9. 12, 13, of my Second Part wou'd ſufficiently explain my Meaning. It is therfore very ſtrange to me, how it can be a Myſtery to this Writer, and to his Worthy Learned Friends, that the Oblation of the Bread and Wine, and of the Body and Blood, ſhou'd be the ſame Oblation. Did this Grave and Good Divine never yet read of Mens offering to God Houſes and Lands, by preſenting a Sword, a Piece of Money, a Pair of Gloves, upon the Altar of a Church? Was he never preſent at the delivery of a Deed of Gift, or Sale, or of Indentures of Leaſe or Releaſe, where, by delivery of a piece of Parchment, or two, a good Eſtate in Houſes, or Lands, was transfer'd to the Donee, or Purchaſer? And will he, in order to make a Myſtery of theſe Donations, or Conveyances, make the Oblation and Delivery to be two ſeveral Oblations or Deliveries? I muſt have leave to ſay, that no Explanation of the Sacrifice of Chriſt's Natural Body and Blood, is more clear and unexceptionable than That propoſed by me, and which I learn'd from the Primitive Church. And upon this Foundation, if the Bread and Wine were given to God, ſo were Chriſt's Natural Body and Blood too. If God the Father accepted the Bread and Wine as Chriſt's

Body

Body and Blood, or as Pledges of his Body and Blood, then it is reasonable that the Church in all Ages to come shou'd esteem of, and treat them as such. And this gives us a plain and obvious Reason, why Christ shou'd call the Materials of this Institution *His Body and Blood.* And if Christ had not thus modified his Sacrifice, no part of it could have been consumed in the Service of God; and tho' this was not absolutely necessary, because some Jewish and Heathen Sacrifices were not either in whole, or part, so consumed; yet it was in the highest degree proper and requisite, that it shou'd be don, because most of the Jewish Sacrifices, which were in a peculiar manner Types of Christ, were either in whole, or in part, consum'd in the Service of God. And what is eaten and drunk in the Service of God, and according to His Direction, is as truly consumed in Honour to Him, as what was of old burnt in the Fire on the Altar.

XL. I do not, nor ever did, deny that Christ offer'd Himself on the Cross; but I declare, I cannot prove it from Scripture; so that, if it be true, I leave it to be proved by Tradition: And this Learned Author may produce some Sayings of the Fathers, and abundance from modern Writers, to support this Notion. But I hope he will not equal these Traditions with the Word of God. If it could be proved from the New Testament, that Christ, as a Priest, offer'd Himself on the Cross, this wou'd not disprove His Oblation of His Body and

Blood

Blood in the Inſtitution of the Euchariſt: for moſt Sacrifices were two or three ſeveral times offer'd to God; yet I know not one ſingle Example of a Sacrifice offer'd by the Prieſt, during the Mactation, much leſs by the Act of Mactation. But I muſt remind this Honeſt Good Man of one Particular, *viz.* That all Animate Sacrifices were always, both among the *Jews* and *Gentiles*, actually once offer'd before their Mactation: If therfore Chriſt did not offer Himſelf in the Euchariſt, he muſt aſſign ſome certain time before the Mactation began, that is, before He was nailed to the Croſs, in which He did actually tender Himſelf as a Sacrifice to God; or elſe he muſt be forced to own, that He was no real Sacrifice; and far be this from ſo Venerable a Divine as he, with whom I am now arguing. It is true, we do not now offer the Bread and Wine to God, as Pledges of his Body and Blood again to be ſlain and poured out, but as Symbols of them long ſince ſlain and poured out: And that it is not neceſſary that we ſhou'd offer the Euchariſt preciſely with the ſame View that our Saviour did, I have ſhew'd in the Firſt Part of *Unbl. Sacrif.* *Page* 96.

XLI. As this Holy Oblation was firſt deliver'd to the *Engliſh* Church in a tolerable degree of Purity, (bating the unknown Tongue in which it was performed) ſo by the Thirteenth Century, the Sacrifice of the Maſs became one of the greateſt Abominations of

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That Church; it had before this been corrupted with direct Invocation of Saints, and almoſt innumerable fantaſtick Ceremonies; now it became the ſame monſtrous Service it is at preſent, by the additional Ceremony of the Elevation of the Hoſt, and injoining Divine Honour to be paid to it: And ſo the moſt Sacred Office of Religion was moſt of all unſanctified.

XLII. BUT, on the other hand, I find it expected by ſome, that in conſequence of the Doctrin, which I have at large explain'd and defended in the Firſt and Second Part of the *Unbloody Sacrifice*, I ſhould publickly uſe thoſe Forms of adminiſtring That Sacrament, for which I plead in thoſe Books.

But certainly, neither I, nor any Prieſt, who believes Biſhops to be a Superior Order, and that by Divine Right, did ever aſſert, that a Prieſt hath Power himſelf to alter the Liturgy. Any Pleader at the Bar, may, in defence of his Clients, or of himſelf, remind the Judge of any neceſſary Form in Law omitted by him; but it does not follow, that if the Judge perſiſt in his omiſſion, the Pleader may aſſume the Authority of a Judge, and do it himſelf. I take it for a certain ſettled Maxim of Eccleſiaſtical Worſhip and Government, that no one inferior to a Biſhop can make Alterations in the Liturgy; and it is as certain, by our preſent Conſtitution, that a Biſhop, nay, even all the Biſhops, with the Archbiſhops at the head of them, cannot do it.

XLIII.

XLIII. SUPPOSE the Sacrament of the Euchariſt had been entirely dropt at the Reformation, and ſtill continued in publick diſuſe, I ſolemnly declare my Opinion, that no Prieſt, or Numbers of Prieſts, could have had ſufficient Authority to reſtore it: And the reaſon is plain, according to the determination of *Ignatius*, *viz.* That neither Baptiſm, nor Euchariſt, are valid, unleſs authorized by the Biſhop. What I have always pleaded for is, that it is neceſſary the Primitive Forms of celebrating the Euchariſt be reſtored, by a juſt Eccleſiaſtical Authority. I have ever aſſerted, that the Biſhops are the proper Guardians of the Altar, and that they are principally concerned to ſecure the Purity of the whole Chriſtian Worſhip, but eſpecially of That which is the moſt neceſſary and eſſential part of it.

XLIV. IF indeed a Superior injoin any thing that is ſinful, it is my Duty to decline his Commands; and if he inſiſt upon my Compliance with him in this Point, ſo far as to make it a neceſſary Article of my Communion with him, I muſt forfeit my Communion with him, rather than comply with any ſuch ſinful Terms. But if he only do not injoin what is neceſſary, the moſt that can in reaſon be expected of me, is, that I ſhou'd freely declare my Opinion in the Point; and leave thoſe to judge of it, whom God hath appointed Judges in the Caſe. I wiſh I had not reaſon to ſay, that many think this too much,

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and that I have don it too freely. Yet I cannot but Praiſe God, that He enabled me to do the Work itſelf; and I ſee no juſt Cauſe to condemn my ſelf for the manner of doing it, tho' ſome others might have don it much better.

XLV. BUT ſince the Oblation is neceſſary, is not the aboliſhing and diſuſe of it ſinful? I anſwer, it is ſinful in them who were, or are, the Cauſes of it. But who they are, or were, I declare I know not. And tho' I am perſuaded, ther never could be any juſt Reaſons for aboliſhing, or diſuſing it; yet ther might, and perhaps may ſtill be ſuch falſe appearances of Reaſon as to prejudice them againſt it, and to excuſe, or abate, the ſinfulneſs of it in the ſight of God. But the moſt bitter Adverſary cannot impute either the abolition or diſuſe of it to me. Some perhaps may tell me, that a Prieſt, or Layman, who lives in the Dioceſe of a Biſhop who uſes not the Oblation himſelf, nor requires his Prieſts to uſe it, ought to break Communion with That Biſhop, and to join himſelf in Communion with ſome other Biſhop that does uſe the Primitive Form of Oblation, and of adminiſtring the Euchariſt. And this may be true; however I am not diſpoſed to diſpute the Caſe; but ſtill it muſt be upon Suppoſition, that the Biſhop who uſes theſe Primitive Forms require no Terms of Communion, that are ſinful in other Points. And let it be well proved to me, that there

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are in any part of the World, Biſhops (or one ſingle Biſhop) duly and canonically Conſtituted, who do uſe the Euchariſtical Forms according to the Primitive Scheme, without adding any adulterated Mixtures of the Idolatry or Superſtition of latter Ages. And till demonſtrative Proof be given me, that ther are ſuch Biſhops, or ſome one ſingle Biſhop canonically Conſtituted, and particularly in what Province of the Univerſe his Dioceſe lies, I ſhall think it ſufficient to govern myſelf in this Point as I have hitherto don, and to wait the leiſure of Divine Providence for the Regular Reſtauration of the Primitive Forms. And I pray God grant, that when ever I am taken hence, I may be found, as I have hitherto been, in a peaceable, antiſchiſmatical diſpoſition of Mind.

XLVI. My Reader will now give me leave to expreſs my Satisfaction, that I have, by the Divine Aſſiſtance, brought this Work ſo near to a concluſion. And I cannot but congratulate myſelf, that while others, much ſuperior to me, in all reſpects, have been imploy'd in aſcertaining the true ſenſe of a *Celebrated Writer* of this Age of Light, in ſome of his moſt Famous Pieces, I have paſs'd my time in endeavouring to diſcover, and repreſent to the World the true Meaning of our ancient Kings, Prelates, and other Great Men, in their Laws, Canons, and other Publick Memorials firſt drawn in Nine Hundred of the darkeſt Years that ever paſs'd ſince the

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Incarnation of Christ. I wish I could be as fully perswaded in my own Mind, that I have always been as successful in entring into the true Meaning of the Originals I translate, as I judge them to have been in the Construction they have given us of That *Celebrated Author*'s Writings. But if in any Particulars I have been guilty of Mistake, (as it is scarce credible that I should not) my Errors will, I hope, be look'd upon as pardonable, especially by those who will not be convinc'd, that their own *Bright Writer* is justly understood by some of the most Learned Men, who live in the same Age, and that have had the very same Education with him. For if so many Men of Sense and Judgment are thought by them to have mistook the Meaning of one who writes in our Mother-Tongue, with so clear a Head, and transparent a Style; certainly it is much more venial in a single Man, of my Mediocrity, to misapprehend some dark Passages in Monuments of Antiquity, written in Times remote, in Languages now dead, by Men who wanted the Politure and Fineness of this Age. And whatever Trips I have made, yet I dare presume to say, none greater than those of their own Side, who have gon before me in the Search of *English* Antiquities. I have another Advantage in the choice of my Authors whom I have undertook to translate, that as I have all the reason in the World to believe, they wrote with a design to be rightly understood; so, if they were now alive, they would

would use no Palliations to conceal their real Meaning, nor be angry at me for taking Things as they meant them. For I believe my Authors to have been Men that outdid some of the Greatest of our Age, in That which they themselves extol as the most excellent Quality, or rather, as the only Good Quality in the sight of GOD, that is SINCERITY. And I have so great an Opinion of the most of them, in this respect (always excepting our *Roman* Legates) that I should have been glad to be under their Correction. Nay, I wish, that any Knowing Men that were Contemporaries to those who first wrote these Memorials, had taken the pains to explain them, and transmitted their Explanations down to us; I should certainly have thought myself safe in taking them for my Guides. I might, perhaps, have been told, that these Guides might mislead me; or, at least, none can be sure that they have the Mind of their Authors, except Authors will be their own Interpreters: But I shou'd have thought it sufficient to reply, That they who will allow none but themselves to be the Interpreters of their own Writings, shou'd be content to be their own Readers. For to what purpose shou'd they publish what none but themselves are to understand? It hath been no small pleasure to me, in compiling this Work, if with taking some pains, I could discover any thing before unknown in the Polity of our Ancestors. But

where is the Satisfaction in reading a Book, which to me ſeems full of dangerous Errors, or ill-grounded Paradoxes; and then to be told by my Author, at the next turn, that he meant no ſuch Evil as I ſuppoſed, that he aſſerted nothing but what is very common, very trivial? Even they that loved the ſeeming Errors for the Errors ſake, muſt acknowledge themſelves diſappointed, not to ſay deceived, in caſe they give any credit to the Author's own Gloſs upon his former Books; or, at the beſt, muſt be forced to own, that he is an able Man in double Entenders only.

XLVII. I ſhall take leave of my Reader, when I have firſt paid a Debt of Gratitude to thoſe who have given me any Aſſiſtance in Compoſing this Work. And firſt, I make my Acknowledgments to the Reverend Dean and Chapter of the Metropolical Church of *Canterbury*, and more particularly to the (then) Vice-Dean, the Reverend Dr. *Elſtob*, for the Liberty I had of peruſing Mr. *Somner*'s Annotations on Sir *H. S.*'s Volumes of Councils, *&c.* depoſited in their Archives. Next, to the Reverend Dean and Chapter of the Cathedral Church of *Rocheſter*, for the uſe of their *Textus Roffenſis*, (the moſt valuable written Monument of Antiquity in our whole County) by which I was enabled to diſcover Sir *H. S.*'s Errata, in his Edition of King *Wihtred*'s Laws, *&c.* with my own Eyes, and to diſtinguiſh between

between these and *Somner*'s conjectural Emendations. And I should be unjust, if I did not particularly commemorate the great Humanity of the Learned Antiquarian *John Thorp*, M.D. of That City, for giving me his Assistance in this Matter. To the Reverend Mr. *Tebb*, the Learned Editor of *Justin Martyr*'s *Trypho*, I am indebted for the accurate Collation he sent me of Sir *H. S.*'s Edition of *Cuthbert*'s Canons, and *Ecgbriht*'s Exceptions, with the Original MSS. in the *Cotton* Library; and for his Transcript of the Supplements to the latter. The Ingenious *George Smith*, Esq; from whom we expect a new and more accurate Edition of the Venerable *Bede*'s Ecclesiastical History, did, of his own free Motion, present me with a genuine Copy of *Athelard*'s Council at *Clofes-hoo* in the Year 803, transcribed from a Manuscript in the same Library. The Reverend Mr. *Mickleburgh*, Fellow of *C. C. C. Cambridge*, accommodated me with the perusal of the Manuscript which contains the Canons of *Elfric*; and from which I transcribed the Supplement to them. This, and the other Manuscript from which the second Edition of *Ecgbriht*'s Excerptions were taken, are a part of That Great Treasure of Antiquity which Archbishop *Parker* deposited in That College. The Reverend Mr. *Rigden*, Fellow of St. *John*'s College, *Cambridge*, deserves my particular Thanks for the Transcripts made by him for my Informa-

tion. Ther is another too nearly related to me to be forgotten, and who has a Right to be remembred by me, by Merit, as well as Nature, and who can be unknown to none that are in any measure acquainted with me; without whose constant Assistance and Correspondence this Work could never have been brought to maturity.

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Some Advertiſements neceſſary for the Reader.

1. *IN this Work I undertake the Part of a Tranſlator only, not of an Editor; yet I have taken due care to have the Text as correct as poſſibly I could, as the Reader will find upon a Peruſal; and where Sir* Henry Spelman's *Edition was imperfect I have procured Supplements from the Manuſcripts.*

2. *I meddle not with the Doctrine of the Church, any farther than it is interwoven with the Laws, Canons, Conſtitutions, and other Memorials relating to Government, Diſcipline, and Worſhip, contain'd in theſe Papers. Therfore I have not inſerted the Decrees of the* Lateran *Council under Pope* Martin *the Firſt, which were confirm'd by a Synod holden under Archbiſhop* Theodore *at* Hatfield, *in the Year* 680. *For they contain only a tedious Repetition and Ratification of the Decrees of the five firſt General Councils, and a condemnation of the* Eutychians *and* Monothelites. *It is ſufficient to advertiſe my Reader, that*

the Engliſh *Church ever firmly adhered to the Doctrine of the Catholick Church, in relation to the Trinity and Incarnation.*

3. *I have not deſcended to any Dioceſan Canons, but have inſerted only ſuch as were National, or Provincial, or commonly ſo eſteemed at leaſt: But I thought it juſt to take in the Laws, or Dooms of King* Wihtred, *not only as being made for a Kingdom (for ſuch was* Kent *in that Age) but as containing two Dioceſes, and as being ſomewhat ſingular and of great Antiquity. Indeed I know of no Dioceſan Canons made here before the Conqueſt. The earlieſt whoſe Acts are come down to us, is that held by* Wulſtan *Biſhop of* Worceſter, *in the Year* 1092. *but theſe contain no Canons. If I had taken in the Dioceſan Canons made during the next* 400 *Years, it would have increaſed this Work near one third part in Bulk, not one tenth in Subſtance. For the moſt valuable part of the Dioceſan Canons were either copied from the Provincials, or, as it ſometimes happen'd, transferr'd into the Provincials.*

4. *I have not entred into the Hiſtory of the Church any farther than was neceſſary, in order to poſt the ſeveral Memorials, or Syſtems, in their proper Time, or to give my Reader what Light I could into the Occaſion and Deſign of the ſeveral Laws and Canons; or, laſtly, to fill up ſome great Chaſm between the fore-*

foregoing and following Syſtems. When I could not diſcern any intrinſick Marks of Time in the Memorials themſelves, or in their Titles, or Prefaces, or by any Information which I had from other Writers, I have taken the Liberty of aſcribing them to any one Year in which the Author reigned (if he were a King,) or preſided (if he were an Archbiſhop.) And herein I do no Injury to Truth, becauſe I always advertiſe my Reader of the uncertainty of the preciſe Year of their Birth: And the reaſon of my always prefixing a certain Year before every Sett, or Syſtem, of Laws, Canons, or other Memorials is, becauſe I make it my principal Note of Reference.

5. *My Numbrings of the particular Laws, Dooms, Canons, or Capitula, agree with Sir* Henry Spelman's *throughout his firſt Volume, excepting where I make ſome Additions to what he publiſhed. But the larger Conſtitutions in Sir* Henry Spelman's *Second Volume either are not numbred at all, which is the Caſe for the moſt part, or their Diviſions are made without any juſt regard to the nature of the Things on which they treat, and the Copies do not agree in making their Breaks at the ſame place. It is known, the Canoniſts diſtinguiſh their Conſtitutions by the firſt Words with which they ſeverally begin, which is the reaſon that the old Copies have no Numbrings.* Lyndwood *uſed no other diſtinction, and often makes but one Conſtitution where I have*

made two or three, & vice versâ : *And tho' he made but one Constitution of them, yet he broke them into several Parts, and places them under distant Heads, according to the Method of Canonists. Here I was forced to use my own Discretion; and I chose to follow the Series of Sir* Henry Spelman's *Copy, or of That at the end of* Lyndwood *and* Athone, *publish'd at* Oxford, *as I saw occasion; but the Numbrings are my own: And I use them as my other Note of Reference.*

6. *If the Reader would find any one of these Constitutions in* Lyndwood, *his ready way is first to find it in the Copy now mention'd at the end of* L *and* A, *and in the Margin there he will find the number of the Page where* Lyndwood *hath posted it.*

7. *I always present the Text entire, excepting many Citations of Scripture, to which I only give the Chapter and Verse, especially in King* Alfred's *Preface to his Laws: For I thought nothing less Instructive than such accumulations of Scripture to no visible purpose. But when the Words are very pertinent, or very much otherwise, I have given them at length. In translating the Prefaces of the Provincial Constitutions I have not wholly omitted the Proemiums, as* Lyndwood *did, because they give some Light to the Constitutions themselves. And* Lyndwood *therfore supposes that his Reader has these Proemiums before*

him,

him, and often refers to them under the name of Decisa. *In turning these Proemiums I have only prun'd away some superfluous Excrescences of Words and Phrases, and endeavour'd to omit nothing of Consequence: But they were drawn in a very flatuous Style, and contain but very little Sense in many Lines. But as to the whole enacting Part of the Constitutions it was my Rule, and I religiously observed it, not to drop one Word: If I have any where omitted one Particle of Moment in the Constitutions, strictly so called, it was thro' Inadvertency, not Design. And I can truly say the same in relation to all the Memorials contained in the First Volume of Sir* Henry Spelman's *Councils, except the latter part of Pope* Gregory's *Answers, and the Texts of Scripture before King* Alfred's *Laws. And, in truth, there are no Proemiums, or very short ones, in all the Laws, Canons, &c. before the Reign of King* Henry *the Third: Yet the Style of some of the* Latin *Canons, and particularly* Odo's, *is very swelling: This is what* William *of* Malmsbury *calls* the Englisch Pomp; *for in speaking of Bishop* Aldhelm's *Style, which was most like that of* Odo's, *he says,* "Acumen *is peculiar to the* "Greeks, Nitor *to the* Romans, Pomp *to the* "Englisch," *In his Life of* Aldhelm, *Part* I. *ad calc.*

8. *Whereas*

8. *Whereas* Lyndwood *often curtails and tranſpoſes the Text of his* Conſtitutions, *I have never uſed that Liberty, but kept myſelf to the Series and Letter of my Copies; inſomuch that I have more reaſon to fear the Cenſure of being too faithful a Tranſlator, than of taking too much liberty. My Reader may ſometimes obſerve, that I tranſlate even the obſcurity of my Original; and pretend not to make my Tranſlation perfectly clear, where the* Latin *or* Saxonic *is dark.*

9. *In the* Saxonic *Part I have always informed my Reader where I depart from Sir* Henry Spelman's *Text, if the Alteration amount to an entire Word, and I tell upon what Authority I depart from it, and when I do it upon my own Conjecture only. But I rarely advertiſe my Reader of my differing from him in the Tranſlation, becauſe I found it neceſſary to do it ſo often, that I thought it would look invidious to advertiſe all his Miſtakes, or what I at leaſt look'd upon as ſuch. The Words and Sentences are often wrongfully divided too in his Edition. I have not always taken notice of theſe Errata. For my Reader, by comparing my Tranſlation with his Text, will eaſily diſcover how I read the Words, and made the Points, if he be a Saxoniſt; if he be not, ſuch Obſervations wou'd be inſignificant to him. And what I have ſaid of the* Saxonic *Memorials firſt publiſh'd by Sir* Henry Spelman *is,*

in

in some measure, true of those published by Lambard, *especially as to his Translation; but his Text was more correct than Sir* Henry Spelman's.

10. *If any strange Word appear in the Text of my Translation, which is not explain'd in my Notes at that place, let the Reader look into my Index, and he will find the meaning of it. This Advertisement is indeed unnecessary for Learned Antiquarians; but this Work was designed chiefly for Beginners in* English *Ecclesiastical Antiquity.*

N.B. *I have not translated King* Henry *the First's Laws relating to the Church and Religion, not only because they are so closely interwoven with the Temporal Laws, that it would be hard to separate them, but because they contain little or nothing but what you have in the old* Saxonic *Laws contain'd in these Papers. The Singularities in these Laws, which are but few, the Reader will find in the Addenda.*

Anno

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31. *The Laws Eccleſiaſtical of* Edgar *King of* England. *From Sir* H. S. *Vol.* I. *page* 444. *This and the two following Setts have Advertiſements, rather than Prefaces, prefix'd to them by the Tranſlator.*

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A. D. MLXV.

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Anno

Anno Dom. DCI.

The Anſwers, or Reſcripts, of GREGORY the Great, Pope of *Rome*, to the Queſtions of AUGUSTIN, firſt Archbiſhop of *Canterbury*.

PREFACE, to Pope GREGORY's Anſwers.

GREGORY *the Firſt, called alſo the Great, ſent* Auguſtin, *the Head of a Monaſtery in* Rome, *to convert the* Engliſh *to Chriſtianity, in the Year of our Lord, 596, or thereabouts. He, with his forty Monks, arrived in the Iſle of* Thanet, *where* Ethelbert *King of* Kent, *whoſe Dominion reached to the* Humber, *gave them a Meeting, and invited them to* Canterbury, *the Seat of his Govern-*

ment; the King, with many of his People, was in a short time converted to Christianity, Berhta *his Queen, a* French *Lady had been bred in that Religion, and had then a Christian Bishop actually attending her.* Augustin *being consecrated Archbishop of* Canterbury, *by* Etherius *of* Arles, (*as* Bede *affirms, tho' others, with greater Probability, say he was consecrated by* German *Bishops, in his Journey to* England,) *soon after saw Occasion to send the following Questions to be answered by P.* Gregory, *not for his own personal Information, (for he cou'd not possibly be ignorant in many Points here proposed) but because he saw it necessary to have several of these Particulars enforced on the Consciences of his Clergy and People, by a greater Authority than his own. He receiv'd the following Answers from* Gregory, *together with his Pall; and ther is no Reason to doubt, but they were received by the new* English *Converts with as great Regard as if they had been the Decrees of a General Council; for the Authority of the Pope was one principal Doctrine, which* Augustin *did industriously inculcate upon all Occasions: And it is certain, that for several Ages before this, the Bishops of* Rome *assumed to themselves a greater Authority than they could in Justice claim: And in this Particular,* Gregory *and our Archbishop* Augustin *cannot be excused. Tho'* Gregory *was of an aspiring Temper, yet he was far from assuming to himself that absolute Authority over the whole Christian Church, which his Successors in the following Ages arrogated to themselves: Nay, he condemned the Ambition of* John *Patriarch of* Constantinople, *for stiling himself,* Universal Bishop, *and stuck not to call it* Antichristian *and* Diabolical. *He was equal to most of his Predecessors, in a pious Zeal for propagating Christianity, and seems to have excelled all of them in Learning: But he had an immoderate Affectation of the Monkish Life, and was one of the most eminent Advocates for it; and of this I dare say he would have repented, if he had lived*

lived to ſee the Monks as they afterwards were, the greateſt Corrupters of true Chriſtianity. But the Popes of the baſer Ages could ſee no Faults in them, becauſe they were the chief Inſtruments of advancing the Authority of the See of Rome, *tho' to the great Diminution of Epiſcopacy.*

I have tranſlated theſe Queſtions and Anſwers from Bede, *according to the printed Editions of Sir* Henry Spelman, *and Mr.* Wheloc: *But I muſt obſerve to my Reader, that the Learned Monſieur* Petit, *among his* Collection of ancient Monuments of Eccleſiaſtical Diſcipline, *annext to* Theodore's Penitential, *hath given us many* Select Canons, *from a Manuſcript in the Hands of* Antony Vion, *Lord of* Herouval; *and he obſerves ther were no Canons in this whole Book, but what were made before the Age of the Emperor* Charles the Great, *(who was born in the Year* 747, *and who died in the Year* 814,) *and therfore not much inferior to the Times of* Bede, *if not equal with him. Among theſe are the Anſwers or Reſcripts of* Gregory, *but in the Form of Canons. The Queſtions of* Auguſtin *are not ſet down, but ther are ſhort Titles put in their ſtead, and many of the Anſwers are ſhorter than thoſe in* Bede. *Monſieur* Petit *was of Opinion, that theſe Canons were the genuine Reſcripts or Anſwers of* Gregory, *and that the Additions in* Bede *are ſpurious. He tells us of a Learned Man, call'd* Petrus Guſſanvillæus, *who had condemned the common Editions of theſe Queſtions and Anſwers, as full of Interpolations, tho' he knew nothing of theſe Canons of* Herouval; *and farther, that he had pointed out the ſpurious Additions; and that the Sagacity of his Conjectures did afterwards appear, by comparing his Emendations (which he had before publiſh'd) with this moſt ancient Manuſcript:* For they agreed, *ſays* Petit, in all Particulars, ſave two or three, of no great Moment. Gregory's *Anſwers are in that Copy reduced into twelve*

Canons; nine of them are printed by Petit, *as ſerving to his Purpoſe, which was to eſtabliſh the Authority of* Theodores Penitential, *as publiſh'd by him. I have taken care to inform my Reader how much of the following Reſcripts are found in thoſe Nine Canons. The other there are ſuppreſt by Monſieur* Petit, *as not being ſerviceable to his Deſign: Of theſe therfore we have the Titles only.*

A. D. DCI.

I. *Queſtion of* Auguſtin.

Lat. HOW ſhou'd Biſhops deal with their Clergy, or how ſhou'd the Oblations which the Faithful bring to the Altar, be divided?

Gregory's *Anſwer.*

The Holy Scriptures, and eſpecially the [a] Epiſtles of the bleſſed *Paul* to *Timothy*, in which he endeavours to inſtruct him, how he ſhould behave himſelf in the Church of God, do expreſly declare this. It is the Cuſtom of the Apoſtolical See to charge Biſhops, when they are Ordained, that the whole Income be divided into four Parts, the firſt for the Biſhop and his Family, that he may be able to keep Hoſpitality; the ſecond for the Clergy, the third for the Poor, the fourth for the repairing of the Churches. But becauſe you, my Brother, have been trained up in the Monaſtic Rules, you ought not to live apart from your Clergy, in the *Engliſh* Church lately converted to the Faith, but as our Fathers did in the Infancy of the Church, when *no one ſaid, that ought which he poſſeſſed was his own, but they had all Things common.*

But

[a] The following part of this Paragraph is the firſt Canon, according to the *Her.* Mſs. the Title is, *How a Biſhop ought to deal with his Clergy.*

[b] But if ther be any of the inferior Clergy who cannot contain, they ought to marry, and receive their Dividend apart from the reſt: For ſo it was alſo among our Fathers, as it is written, *Diviſion was made to all, as every one had Need.* Proviſion muſt be made for their Subſiſtence, and they are to be kept under the Eccleſiaſtical Rule, and a good moral Behaviour, and they ſhou'd ſing Pſalms early and late, and preſerve their Heart and Body, by the Help of God, from every thing that is ſinful.

[b] This Paragraph contains the ſecond Canon, according to the *Her.* Mſs. the Title is, *Of the Salaries of married Clergymen.* The *Paris* Edition, 1518, from which Sir *H. S.* publiſhed his, prefixes a new Queſtion to this Paragraph, *viz. Whether Clerks who cannot contain, may marry; and if they do marry, whether they may return to the Secular Life?*

[c] There is no Occaſion for us to ſpeak at preſent of [d] making Dividends of Hoſpitality, of giving Alms [e] *to Men that live in common:* What you have beyond what is neceſſary, is to be expended in Piety and Charity, ſince the Lord and Maſter of all ſays, [f] *Give that in Alms, which you have over and above, and behold all things are clean unto you.*

[c] This Paragraph contains the third Canon, according to the *Her.* Mſs. the Title is, *Of living in common, and of Alms.*

[d] Lat. *De faciendis portionibus*; but the *Her.* Mſs. has it, *deficientibus portionibus*, while their Dividends were deficient or ſcanty.

[e] Theſe Words in the different Character are not in the *Her.* Mſs.

[f] So *Gregory* underſtood the vulgar Latin, *Luke* xi. 41. *Quod ſuper eſt date Elemoſynum*, &c.

II. *Queſtion of* Auguſtin.

How ought a Biſhop to officiate in the Church,

[g] ſince the Faith is one, the Cuſtoms of Churches various, and one manner of Maſs prevails in the Holy Church of *Rome*, another in the Church of the *Gauls*.

[g] The foregoing Words ſtand at the end of the firſt Queſtion, in all Editions, I think. But I ſuppoſe I have reſtored them to their proper Place. Ther was no Occaſion for them in the firſt Queſtion, and this Queſtion is imperfect without them. The Diſlocation is ancient, for it is in *Alfred*.

Gregory's *Anſwer*.

[h] You, my Brother, know the Cuſtom of the Church

[h] This Reſcript makes the fourth Canon in *Her*. Mſs. with this Title, *Of celebrating Maſs*. This Anſwer may ſeem ſtrange to ſome, ſince it is ſufficiently clear, from *Ecgbriht*'s 16 *Anſw. Art*. 1 & 2. that the Miſſal, and other Offices of the *Roman* Church were always here uſed, that *Gregory* ſent them hither by *Auguſtin*, as the ſtated Forms of Worſhip, for the Church then to be raiſed in *England*, and ther is not any Shadow of Reaſon for ſuppoſing, that any other Forms did prevail here in theſe Ages. The beſt Account I can give of this Matter is, 1*ſt*, That ſome Offence might be taken, by the King, Queen, or others, at the Diverſity of Rites between *Auguſtin* and *Luidhard*, who, before *Auguſtin*'s Arrival, uſed to officiate at St. *Martin*'s Church near *Canterbury*, according to the *French* Forms, which differ'd from the *Roman*. 2*dly*, *Luidhard* being dead, or return'd to *France*, before theſe Anſwers came to *Auguſtin*'s Hands, the Occaſion of the Queſtion ceaſed. If he were yet alive, ther is little Reaſon to think, that he continued here, when the Queen had no further Occaſion for him, becauſe ſhe could now join in the ſame Worſhip with her Royal Conſort. 3*dly*, The Occaſion of this Offence ceaſing, ther is no Reaſon to believe, that *Auguſtin* did ever compile any new Form, nor is it pretended that he did. 4*thly*, The Pope does not give *Auguſtin* leave to uſe the *French* Liturgy, nor was it conſiſtent with the Dignity of the *Roman* Church at this Time, that her Forms ſhould give place to the *French*; nor is ther any Cauſe to believe that they did.

Church of *Rome*, in which you was bred. But it is my Opinion, that if you have found any thing that may be more acceptable to God, whether in the Church of *Rome*, or that of the *Gauls*, or any other, you carefully ſelect it, and by ſingular Inſtruction inſtil what you may have collected out of many Churches, into the Church of the *Engliſh* newly converted to the Faith: For Things are not to be valued on Account of Places, but Places for good Things: Therfore chuſe out of every Church what is pious, religious, and right, and treaſure up this Compoſition in the Minds of the *Engliſh*, as a cuſtomary Uſe [for Divine Offices.]

III. *Queſtion of* Auguſtin.

How ought he to be puniſhed that ſteals any thing out of the Churches?

Gregory's *Anſwer*.

[i] You, my Brother, may judge by the Condition of the Thief, how he ought to be corrected. Some ſteal tho' they are provided of Maintenance, others out of Want; therfore it is neceſſary, that ſome be puniſh'd with Mulcts, ſome with Stripes, ſome ſeverely, ſome with lenity; and when Severity is uſed, it muſt be done with Charity, not with Fury, with this View, that he who is corrected may not be caſt into Hell-fire. For we ought to exerciſe Diſcipline over the Faithful, as good Fathers do over their carnal Children, whom they whip for their Faults, and yet deſire that they whom they afflict ſhould be their Heirs; and keep what they have for thoſe whom they ſeem to perſecute with Indignation. This Charity is therfore to be obſerv'd, in order to dictate the Meaſure of Correction, that the Mind may not be

[i] This Anſwer contains the fifth Canon of the *Her.* Mſs. with this Title, *Of Things ſtolen from the Church.*

transported beyond the Bounds of Reason. You will add, How should they who have stole ought from the Churches make Restitution? But far be it from the Church to receive any Increase by the earthly Things which she loses, or to gain by the Follies of Men.

IV. *Question of* Augustin.

Whether two own Brothers may marry two own Sisters, related to them at a great Distance?

Gregory's *Answer.*

[k] This is lawful beyond all doubt, for ther is nothing in the sacred Oracles contradicting it.

[k] Ther is nothing of this Rescript in the *Her.* Mss.

V. *Question of* Augustin.

At what Distance may the Faithful that are related in Blood, marry with each other? or, Whether it be lawful to marry Mother-in-Law or Cousin-Germans?

Gregory's *Answer.*

[a] A certain [b] sordid Law in the *Roman* Republick, allows either the Son and Daughter of a Brother and Sister, or of two Brothers, or of two Sisters, to be married together: But we have learn'd by Experience, [c] that the Offspring of such a Match

[a] This Rescript contains the sixth Canon of *Her.* Mss. with this Title, *Of Marriage with such as are near akin.*

[b] Lat. *Terrena*, but this Word is not in the *Her.* Mss. *Gregory* clearly means, *Lib.* 1. *Tit.* 10. of *Justinian*'s *Code*, which permits Cousin-Germans to marry. The Words of this Answer enclosed in Hooks, are not in the *Her.* Mss.

[c] Lat. *Sobolem ex tali conjugio non posse succrescere.* I cannot think the Meaning of this to be, that *such Marriages* are *barren*; for to say that such Mixtures produce no Children, was to encourage private and wicked Familiarity between Persons so related; and the Latin will bear this Rendition which I have given in the Text.

a Match cannot thrive, [and the [d] Holy Law forbids us to uncover the Nakedneſs of thoſe that are near akin,] therfore the Diſtance of [e] three or four Generations is neceſſary, to make a Marriage lawful among Chriſtians: For they of the ſecond ought wholly to abſtain from each other. But to lie with a Mother-in-Law is a horrible Crime, becauſe it is written in the Law, *the Nakedneſs of thy Father thou ſhalt not uncover*; and he that uncovers the Nakedneſs of his Mother-in-Law, uncovers the Nakedneſs of his Father, becauſe it is written, *They two ſhall be one Fleſh.* It is alſo forbidden to marry a Brother's Wife, becauſe by her former Marriage ſhe was made [f] one Fleſh with thy Brother. [g] [*John* Baptiſt was beheaded, and crowned with Martyrdom, becauſe he ſaid to the King, That it was unlawful for him to enjoy his Brother's Wife.] But becauſe ther are many of the *Engliſh* Nation, who had contracted ſuch unlawful Marriages, while they were in a State of Infidelity, they are, upon their coming over to the Faith, to be admoniſhed, that they abſtain from each other, and made ſenſible of the Sin they have committed; let them dread the terrible Judgment of God, leſt for the ſake of carnal Love, they incur

[d] *Lev.* xviii. 6.

[e] *Theodorus* obſerves, that the *Greeks* married in the third Degree, and that the *Romans* did not annul a Marriage in the ſame Degree: His own Reſolution of the Caſe was, That any might marry in the fifth Degree, and if they were found marrying in the fourth, the Marriage ſhould not be diſſolved. See *Theod. Penit. c.* 11. *p.* 12.

[f] Thy Siſter. Mſs. *Her.*

[g] This is one of thoſe Interpolations which *Guſſanvillæus* diſcovered, without the help of any Mſs. I have choſen the Interpolation of K. *Alfred*, as ſhorter and more to the Purpoſe, than that in the preſent Latin.

cur eternal Torments: [h] Yet they are not upon this Account to be deprived of the Communion of the Body and Blood of Chriſt, [i] leſt we ſhould ſeem to revenge upon them the Covenants made before their Baptiſm. For the Church at preſent corrects ſome Sins out of Zeal, ſome ſhe bears with out of Lenity, ſome ſhe connives at for good Reaſon; and ſo bears and connives, as by this Means often to reſtrain the Evil which ſhe hates. All that come over to the Faith are to be warned, that they commit no ſuch Crime; and if any do, they are to be deprived of the Communion of the Body and Blood of Chriſt. For as the Sin of thoſe who tranſgreſs thro' Ignorance is to be born with, ſo they who ſin againſt Knowledge are ſeverely to be puniſh'd.

[h] *Theodore* in his *Penitential*, gives more Countenance to this, than *Gregory* does in this Reſcript. He ſays, *Tho' the Marriage be unlawful, yet a Man may entertain himſelf with ſuch as he has.* *Theodore* was Archbiſhop of *Canterbury* above ſeventy Years after *Auguſtin.* Any modern Pope writing on this Subject, would have ſaid, that the Marriage was null, without His Holineſs's Diſpenſation: But a Diſpenſation was a Thing unheard of in thoſe Days, till the Twelfth Century. The Reader will not, I hope, conclude that I certainly look on *Theodore's Penitential*, as publiſh'd by *Petit*, to be genuine, becauſe I here cite it.

[i] Here ends the ſixth Canon, according to the *Her.* Mſs. therefore what here follows is ſpurious, if that Mſs. be authentick.

VI. *Queſtion of* Auguſtin.

If Biſhops cannot eaſily aſſemble, by reaſon of their Diſtance, and long Journeys, Whether a Biſhop may not be ordained, without the Preſence of other Biſhops?

Gregory's *Anſwer.*

You cannot Ordain Biſhops otherwiſe than by yourſelf alone in the Church of the *Engliſh*, becauſe

cauſe you are, at preſent, the only Biſhop there. When Biſhops come from *Gaul*, they may aſſiſt as Witneſſes, when you Ordain a Biſhop. But [k] we deſire you, my Brother, to Ordain Biſhops in ſuch a Manner, that they may not be at too great Diſtance from each other; that three, or four, may meet to Ordain a Biſhop, for it ought not otherwiſe to be done: For we may take Example from carnal Things for regulating ſpiritual Affairs. Married Perſons are invited to Weddings, that they who have before entred upon a Married Life, may rejoice over them that follow: Why therfore, in this ſacred Myſtery, in which a Man is married to God, ſhou'd not ſuch meet together, as may rejoice at his Advancement, and pray for his Safety.

[k] All the foregoing Part of this Anſwer is omitted, in the *Her.* Mſs. The ſeventh Canon begins thus, "Let "Biſhops be Ordained in ſuch a Manner, that they may "not be at too great Diſtance from each other;" and ſo on, as in this Tranſlation. For I have here followed the Mſs. only, as being more clear than the other Copies; and yet ſaying all that is ſaid in the others. The Title of this Canon is, *Of making Ordinations.* As to the omitting the firſt Part of this Anſwer, it muſt be owned, that ther are ſome Grounds of Suſpicion that it is not genuine. It may juſtly ſeem ſtrange, that two ſo conſiderable Perſons as *Peter* and *Laurence*, ſhould be ſent with this Queſtion to *Rome*; and that four ſuch notable Men as *Mellitus*, *Juſtus*, *Paulinus* and *Ruſinianus*, ſhould come with *Auguſtin*'s Pall from the Pope, and yet none of theſe ſix ſhould be Ordained Biſhops at *Rome*, when yet Pope *Gregory* could not but know by this Queſtion, that ther was Occaſion for more Biſhops than one in *England:* Nay, it ſeems unaccountable, that *Auguſtin* himſelf ſhould go, by Sea and Land, ſo far as *Arles*, to be conſecrated himſelf alone. He could not but know, or would however have learn'd at *Arles*, that three Biſhops are required by Canon to Ordain another, and that if therfore he had not two others Ordained with him, he ſhould be uncapable of miniſtring Epiſcopal

copal Ordination here in *England*, according to the Canonical Form. Five of the seven Persons before-named were afterwards Bishops: Let any Man consider whether this be credible, and therfore whether this is not to be imputed to a Defect in the Writer, who gave no Account of any Ordination but *Augustin*'s. Perhaps some who had observ'd this Flaw in *Bede*'s History, endeavoured to salve it, by inserting this Question, and the former part of this Rescript. K. *Alfred*'s Latin Books differ'd from our present Editions, or rather, were contrary to them; for his Translation is thus in *English*, "Even in the *English* Church, in which, as yet, you are "the only Bishop to be found, you may not hallow a "Bishop in this Manner, without other Bishops; but "Bishops shall come to you from the Kingdom of *Gaul*, "such as may stand Witnesses at the hallowing of a "Bishop." Copies have been alter'd since *Alfred*'s Time.

VII. *Question of* Augustin.

In what Manner shall we treat the Bishops of the *Gauls* and *Britons*?

Gregory's *Answer*.

[a] We give you no Authority over the Bishops of the *Gauls*, because the Bishop of *Arles* hath of old receiv'd the Pall from my Predecessors: And we ought not to deprive him of his Authority: If therfore, you my Brother, chance to pass into the Province of the *Gauls*, you ought to treat with the Bishop of *Arles* in such a Manner, that if ther be any Faults among the Bishops, they may be corrected, and that you may kindle in him a Zeal for Discipline, if you find him remiss: And I have written to him, that when Your Holiness is among the *Gauls*, he may give you his most hearty Assistance, and restrain in Bishops whatever is contrary to the Divine Command. But you are not to

[a] Here our Mss. is not transcribed by Mr. *Petit*, he only gives us the Title of that which is with him the eighth Canon, *viz. Of the Bishops of the* Gauls *and* Britons.

to act the part of a Judge over the Biſhops of the *Gauls*, as being not within the Bounds of your Juriſdiction; but by Perſuaſion, Curteſy, and good Example, to reclaim the Minds of them that do amiſs, to the Study of Holineſs, becauſe it is written in the Law, *When thou goeſt through another Man's Field, thou ſhalt not put thy Sickle into his ſtanding Corn, but rub the Ears of Corn in thy Hand, and eat.* And you are not to uſe the Sickle of Juſtice in another Man's Harveſt; but to take away the Chaff of Vice from the Lord's Wheat, by the Efficacy of your own good Endeavours, and by your Admonition and Perſuaſion convert it to the Nouriſhment of the Body, that is, the Church: Whatever is done there in an authoritative Manner, muſt be done in Conjunction with the Biſhop of *Arles*, that the ancient Inſtitution of the Fathers may be maintained. But we commit all the Biſhops of the [b] *Britains* to you, my Bro-

[b] When the Pope gives *Auguſtin* Authority over all the Biſhops of *Britain*, 'tis probable that he meant this as a perſonal Privilege, which was to die with him. There is a Latin Letter in *Bede*, *l.* 1. *c.* 29. that expreſly ſays this. Nor can the Authentickneſs of the Letter be diſputed; *Bede* does refer to it in his Epiſtle to *Ecgbriht*. But it is reaſonable to preſume, that the Pope did afterwards make another Settlement of the Archiepiſcopal See, at leaſt our Writers ſo underſtood the Caſe, for they univerſally ſpeak of the Archbiſhoprick of *Canterbury*, as founded by *Gregory* and *Auſtin*. *Albinus*, *Bede*'s Informer, met with *Gregory*'s firſt Letter, but not with thoſe Letters, Reſcripts, or Inſtruments whereby an Alteration was made in this Reſpect. It is utterly incredible, that the Biſhop of *London* ſhould never have claimed the Primacy, when his Right was ſo well ſupported as it was by this Bull, if it had not been well known that other Proviſions had been made in this Reſpect. And *London* in the Ages following after K. *Ethelbert*, was ſeveral Times in the Hands of Princes that were able to maintain the City of *London*'s Right to the Primacy, if they had been ſenſible of ſo juſt a Claim as the Pope's Letter was thought in thoſe Ages.

ther,

ther, that the unlearned may be instructed, the weak strengthned by good Advice, the perverse be corrected by [your] Authority. [c]

[c] One of the *Paris* Editions here inserts a Question and Answer, concerning the Relicks of St. *Sixtus*, but they are certainly spurious; and indeed they are framed without any Consistency.

VIII. *Question of* Augustin.

1. Whether a Woman big with Child may be baptized? 2. How long must it be e're she come to Church, after she is brought to Bed? 3 How old must the Child be e're it be baptized? 4. After how long a Time may her Husband lie with her? 5. May a menstruous Woman come into the Church, or partake of the Sacrament of Communion? 6. May a Man coming from his Wife's Bed, enter into the Church, or receive the Sacrament of Communion, before he have wash'd himself with Water? The rude Nation of the *English* want full Satisfaction as to all these Particulars.

Gregory's *Answer.*

'Tis certain, you, my Brother, have formerly made this Enquiry, and I think I have answered it. But I suppose you desire to have your own Directions and Sentiments confirm'd by my Rescript.

1. [d] Why should not a Woman big with Child be baptized, since carnal Fecundity is no Sin in the sight of God? For when our first Parents had sin'd in Paradise, they forfeited, by the just Judgment of Almighty God, that Immortality which they had receiv'd from him. Since then it was not

[d] The ninth Canon of the *Her.* Mss. begins thus, *A Woman with Child may be baptized*, &c. as in this Paragraph; and the two following the Title is, *Of baptizing Women in Danger of Death, and of their Offspring.*

not God's Intention to extinguiſh Mankind for their Sin, he at the ſame Time deprived Man of his Immortality; and yet thro' the Tenderneſs of his Mercy, he continued to him the Propagation of his Kind. With what Reaſon then can that Gift of God, which was indulged to human Nature, become an Obſtacle to Baptiſmal Grace? Indeed it is very abſurd to ſuppoſe, that the free Gift of God is inconſiſtent with that Sacrament, in which all Sin is entirely blotted out.

2. But in how many Days after her Delivery a Woman may enter into the Church, you have learned from the Old Teſtament, that is, that for a Male Child ſhe ſhould abſent her ſelf thirty-three Days, for a Female Child ſixty-ſix, *Lev.* xii. 4, 5. which yet is taken to ſignify ſome Myſtery: For if ſhe come [e] to be Church'd the ſame Hour in which ſhe is Deliver'd, ſhe is not to be charged with Sin on that Account. The Laſciviouſneſs, not the Pain of the Fleſh is in Fault; Children are begotten in Laſciviouſneſs, brought forth in Pain: On which Account it was ſaid to the firſt Mother of us all, *In Pain ſhalt thou bring forth Children.* If therfore we forbid a Lying-in Woman to come to Church, we impute her Puniſhment to her as a Crime.

[e] *Actura gratias:* This ſeems to imply ſome known Rite, or Form of returning Thanks.

3. 'Tis in no wiſe forbidden to baptize either the Lying-in Woman, the very Hour in which ſhe is brought to Bed, or the Child, in the very Hour in which 'tis born, if ther be any Danger of Death. For as the Grace of the Holy Sacrament is with great Care to be procured for them who are living and looking; ſo to them who are under the imminent Danger of Death, it is to be offered without Delay; leſt while we ſtay for the proper

[f] proper Seaſon for the Sacrament of Redemption, before that Time come, the Perſon to be redeemed ſhould be no more to be ſeen. [g]

[f] *Viz. Eaſter*-Eve, and *Whitſun*-Eve.

[g] Here ends the ninth Canon, according to the *Her.* Mſs.

4. [h] The Husband ſhould not lie with his Wife, till the Child be weaned. [i] But an evil Cuſtom prevails among married People, that Women ſcorn to give Suck to the Children which they bear, and put them out to be nurs'd by others; which Invention ſeems to owe its Riſe wholly to Incontinence: They diſdain to ſuckle the Children which they beget, becauſe they are not diſpoſed to contain. However, the Women who thro' evil Cuſtom put out their Children to be nurſs'd by others, ought not to lie with their Husbands, till the Time of their cleanſing be over, for this is forbidden, while the Cuſtom of Women is upon them, even when it is not occaſion'd by Childbirth; inſomuch that the Holy Law inflicts Death upon the Man that goes in to a menſtruous Woman, *Lev.* xviii. 19.

5. Yet

[h] Here begins the tenth Canon of the *Her.* Mſs. which contains this and the following Paragraph. The Title is, *Of a Lying-in, or Menſtruous Woman.*

Petrus Guſſanvillæus had affirmed the firſt Sentence of this Paragraph to be ſpurious; but *Petit* aſſures us, that it is in the *Her.* Mſs. and he obſerves, that *Clemens Alex.* teaches the ſame Doctrine, *Strom. l.* 3. but then he does not impoſe it as neceſſary, as *Gregory* ſeems inclined to do. *Theodore* only lays an Abſtinence of forty Days, after the Woman's Delivery, but of three Months before, *Pœnit. c.* 11.

[i] The *Reformatio Legum Eccl.* in the Reign of King *Edw.* VI. condemns the Practice of putting out Children to nurſe, *De Matrim. c.* 13.

5 Yet a menſtruous Woman ought not to be forbidden Entrance into the Church, for the Superfluity of Nature cannot be imputed to her as a Fault: And it is not reaſonable ſhe ſhould be deprived of her Liberty of coming to Church, on account of what ſhe ſuffers againſt her own Will. For we know the Woman who had a Bloody-Flux came behind our Saviour, and touch'd the Border of Chriſt's Garment, and immediately her Infirmity departed from her. If this Woman was praiſed for touching the Border of his Garment, why ſhould it be unlawful for a menſtruous Woman to go into the Church? Yet it becomes a pious Mind to acknowledge a Fault where ther is none. A Woman ought not at thoſe Times to be repell'd from the Sacrament of the Communion; yet ſhe is to be commended, if out of Reverence ſhe preſume not to Communicate.

6. But [k] a Man that hath laid with his Wife, ought not to enter the Church, till he hath bathed himſelf in Water, nor yet preſently after he hath bathed. The old People were commanded by the Law of *Moſes*, that when a Man had lien with a Woman, he ſhould be bathed in Water, and not enter into the Tabernacle, before the going down of the Sun, which yet may be ſpiritually underſtood; for a Man lies with a Woman, when the Mind delightfully embraceth an evil Luſt that riſeth in his own Thoughts: For the Man ought not to think himſelf fit for the publick Aſſembly, who perceives himſelf burden'd with the Guilt of a depraved Will, till he have cool'd the Fire of it. And tho' the Sentiments and Practiſe of ſeveral Nations be very different, as to this Particular, yet it has, for many Ages paſt, been the conſtant

[k] This is the eleventh Head in the *Her.* MS. but *Petit* gives us only the Title, *viz. Of lying with one's own Wife.*

Practice of the *Romans* to purify by bathing, and reverently to abſtain for a while, after having performed the Conjugal Act. In ſaying this we do not make Matrimony a Fault; but lay a Reſtraint from entring into the Sacred Place, on Account of that carnal Pleaſure, which is unſeparable from the Conjugal Act. And this Pleaſure cannot be without Fault; for he was born of lawful Wedlock, who ſaid, *Behold, I was ſhapen in Wickedneſs, and in Sin my Mother conceived me*—— In which Words he does not charge conjugal Converſation with Sin, but the Pleaſure of it: Many Things are lawful, and yet we are polluted by the doing of them—— Anger againſt Vice is commendable; and yet the Diſcompoſure it cauſes, is not without Fault. Yet if any Man be carried to lie with his Wife, not by Luſt, but by a Deſire of procreating Children, he is to be left to his own Judgment, both as to going to Church, and receiving of the Sacrament of the Body and Blood of our Lord: For he ought to have no Reſtraint laid upon him, who being in the Fire does not burn. But when Pleaſure, not Procreation, bears Rule in this Matter, Husbands and Wives have Cauſe to lament their Embraces: For when the Apoſtle *Paul* had ſaid, [a] *Let him that cannot contain, have a Wife*, he took Care preſently to add, *But this I ſpeak by Indulgence, not by Command.* What is [wholly] lawful, is not indulged—— What he indulged, he therfore thought faulty. It ought ſeriouſly to be conſidered, that the Lord, when he was going to ſpeak to the People in Mount *Sinai*, firſt charges them to abſtain from their Wives. And if when God ſpeaks by a Creature, ther were ſuch

[a] He cites Scripture, *Memoriter*, and therfore unaccurately. The Apoſtle had ſaid juſt before, that *they might come together again, that Satan might not tempt them, by means of their Incontinency*, 1 Cor. vii. 5, 6.

ſuch a Proviſion made for Bodily Purity; how much more ought Women, who receive the Body of the Lord Almighty, to preſerve their Bodily Purity, leſt they be ſurcharged with the Weight of the ineſtimable Sacrament? Therfore the Prieſt ſaid unto *David*, and his Servants, *If they were clean from Women, they might eat the Shew-bread.* When a Man, after the Conjugal Act, hath bathed himſelf, and ſo is fit to enter into the Church, according to the aforeſaid Determination, at the ſame Time he may alſo receive the Sacrament of the Communion.

IX. *Queſtion of* Auguſtin.

Whether a Man may receive the Body of the Lord; or if he be a Prieſt, whether he may celebrate the Holy Myſteries, after a nocturnal Pollution?

Gregory's *Anſwer.*

[b] The Old Law pronounceth a Man unclean in this Caſe; and permits him not to enter into the Tabernacle, till the Evening, as we ſaid under the former Head; and yet the Spiritual People will take this to mean another Thing, as was hinted in the former Caſe; for he, who being tempted to Uncleanneſs is defiled by his own Thoughts, is as it were under the Illuſion of a Dream, and he is to be waſh'd with the Water of his own Tears, that he may be freed from the Guilt of his own Thoughts, and he ought to look on himſelf as unclean till the Evening, or till the Heat of the

[b] We have here only the Title of the *Her.* MS. *viz. Of the Illuſion, which happens in Sleep.* How much of the Reſcript is in the twelfth Canon of that MS. can only be known to thoſe who poſſeſs it, or who have *Guſſanvilæus*'s Book. But the Reader is to obſerve, that I have taken Liberty very much to abridge the two laſt Anſwers of *Gregory*: for the Pope is moſt immoderately prolix, eſpecially upon the Caſe of nocturnal Illuſions.

Temptation go off. And ther is a very neceſſary Diſtinction to be made as to this Illuſion; that is, it ought nicely to be conſidered, from what Cauſe this happens to the Mind of Man in his Sleep, Sometimes it proceeds from Intemperance, ſometimes from the Superfluity or Infirmity of Nature. And when it comes from Superfluity, or Infirmity, no Man ought to be concern'd at the Illuſion; becauſe the Mind is no way acceſſary to it; and may grieve for the bearing, rather than for the doing of it. But when a Man is by his Appetite tranſported to Intemperance in Diet, and the Veſſels are by that Means over-laden with Humours, the Mind does thereby contract ſome Guilt, but not to ſuch a Degree as to detain Men from receiving the Holy Myſteries, nor from celebrating Maſs, if (as it may happen) a Feſtival Day does abſolutely require this to be done; or if Neceſſity compel him to give the Sacrament, and no other Prieſt can be had. For if others are preſent to perform the Miniſtration, he ought, I conceive, humbly to abſtain from the Oblation of the Sacrament. But an Illuſion proceeding from Intemperance, does not lay a Man under a Prohibition from receiving the Sacrament, unleſs it have ſmitten the Mind of the Man in his Sleep, with a foul Imagination: For ther are ſome in whom the Illuſion is raiſed in ſuch a Manner, that the Mind, tho' reſiding in the Body, is very often not polluted with any filthy Fancy------- But if the Illuſion of a Man in his Sleep proceed from his foul Thoughts while he was awake, then the Mind may eaſily perceive its own Guilt. For ſhe knows from what Root the Defilement grew, *viz.* that what ſhe willingly thought of, that ſhe unwillingly endures------- Every Sin is perfected by three Steps; the Devil makes a *Suggeſtion*, the Fleſh raiſes a *Delectation*, the Soul gives *Conſent*. The Serpent

Serpent *ſuggeſted* the firſt Sin, *Eve*, as Fleſh, was *delighed*; *Adam*, as the Soul, *conſented*—— When the malignant Spirit *ſuggeſts* a Sin to the Mind, if no *Delectation* follow, no Sin is committed; but when the Soul begins to feel a *Delectation*, then Sin begins to be conceived; but, when ther is a deliberate *Conſent*, then the Sin appears to be finiſh'd. It often happens, that the Soul does not conſent to what the malignant Spirit ſows in the Thoughts, and which the Fleſh raiſes to a Delectation: Yet the Soul, even in reſiſting carnal Pleaſure, is carried to a ſort of Delectation, againſt its Will; (ſince the Fleſh indeed, without the Soul perceives no Pleaſure;) ſo that it doth with Reaſon contradict and with-hold its Conſent; and yet cannot but perceive the Delight, and earneſtly lament it.

A. D. DCII. or thereabouts.

King Ethelbert's Dooms Eccleſiaſtical.

PREFACE.

" *King* Ethelbert, *after the Example of the* [a] Ro-
" mans, *made judicial Decrees for his Nation,*
" *with the Advice of his Wiſe Men, which are yet*
" *kept written in the Language of the* Engliſh, *and*
" *are obſerved by them. In theſe he firſt of all ap-*
" *pointed what Satisfaction ought to be made, for ta-*
" *king away the Goods of a Biſhop, or of thoſe in the*
" *other Orders.* Bed. Lib. 2. c. 5

Theſe judicial Decrees are extant in the ancient MS. call'd Textus Roffenſis, *and are publiſh'd by the excellent Dr.* Hickes, *in* Diſſert. Ep. pag. 89. *with* Laet's *Latin Tranſlation. Sir* H. S. *publiſh'd the three firſt,* Concil. Vol. 1. pag. 127. *I have added three more from* Laet. *Ther are eighty nine of them in all.*

[a] *Ethelbert* might be ſaid to act after the Example of the *Romans*, in taking the Advice of wiſe Men, not in laying Mulcts on ſuch as robb'd Churches, or Biſhops; this was contrary to *Gregory*'s Direction, in his third Anſwer to *Auguſtin.* But *Gregory*, perhaps, did not know this Taxation of Capital Crimes to be the General Practice of the *Saxons*; tho' *Tacitus* mentions it, *De Morib. Germ.* and if the King had theſe Mulcts, (as is probable, from *Law*, $\frac{9}{5}$) then it was not contrary to *Gregory*'s Anſwer.

Sax. THeſe are the Dooms which King *Ethelbert* eſtabliſh'd, in the Days of *Auguſtin.*

1. God's [b] Fee, and Church's Fee is a twelve-fold Mulct.

[b] *Fee.* That is, Money, Goods, or Chattels.

The

The Biſhop's Fee is an elevenfold Mulct.
The Prieſt's Fee is a ninefold Mulct.
The Deacon's Fee is a ſixfold Mulct.
The Clerk's Fee is a threefold Mulct.
A Church's [c] Peace is a twofold Mulct.

[c] *Peace.* That is, The quiet Enjoyment of the Service of God, and their Privileges, without Moleſtation. By this Law, he who robb'd a Church, paid twelve times the Value of the Thing ſtolen: He who broke the Peace of a Church, as much again as he who broke the King's Peace.

A Monaſtery's Peace is a twofold Mulct.

2. If the King call his People to him, and any Evil be done to them, the Satisfaction is twofold, and Fifty Shillings to the King.

3. If the King be drinking at any Man's Houſe, and any Miſchief there be done, let the Satisfaction be threefold.

4. If a Freeman rob the King, let him pay a Forfeiture [d] ninefold.

[d] The principal Breach of the Church's Peace, was violently to take away thoſe who fled thither for Sanctuary: The King contented himſelf with the Satisfaction which he granted to the Prieſt.

5. If a Freeman rob a Freeman, let him make threefold Satisfaction, and let the King have the Mulct and all the Goods.

6. If a Freeman lies with a Freeman's Wife, let him ſubmit to his [e] Weregeld, and [f] purchaſe another Woman with his own Money, and bring her to the other Man [g] in her Stead.

[e] That is, the Mulct for Murder: Therfore Adultery was puniſh'd as Murder.

[f] Women, or Wives, were bought. See Law of *Ethelb.* 76.

[g] *Laet* read æt ham, *to his Houſe.*

A. D. DCLXXIII.

THEODORE'S Canons.

PREFACE.

AUguſtin *and his five Succeſſors in the See of* Canterbury, *ſeem to have wholly employ'd themſelves, for near ſeventy Years, in converting the People to Chriſtianity, and ſettling the Divine Worſhip. Upon the Vacancy of the See of* Canterbury, *by the Death of* Deus-dedit, *the firſt Native Metropolitan,* Wighard *an* Engliſh *Prieſt was ſent to* Rome, *by the two Kings of* Kent *and* Northumberland, *to be conſecrated in his ſtead. But ſoon after his Arrival there, he died of the Peſtilence. Upon which Pope* Vitalian, *after having made an Offer of the Archbiſhoprick to two others, who refuſed it, prevailed on* Theodore *to undertake the Charge, tho' not without the Conſent and Deſire of the two Kings.* Theodore *was born at* Tarſus *in* Cilicia, *and had ſpent the greateſt part of his Life in* Greece, *and the* Eaſt, *but lived now at* Rome, *in Quality of a private Monk, and was but Sub-Deacon, tho' above Sixty Years of Age, and had received the Eaſtern Tonſure only, when he was nominated to the Archbiſhoprick. He was received here as a publick Bleſſing, by the Kings and People, and was the firſt Archbiſhop, ſays* Bede, *to whom all* England *ſubmitted; and in Truth the Biſhops of* York *were not at this Time Metropolitans. He brought over with him many* Greek *and* Latin *Books; erected an Academy at* Canterbury, *and had with him a good Number of*

Men

Men to teach the Sciences, and the Greek *and* Latin *Tongues, beside* Adrian *the Abbot, first of those two that refused the Archbishoprick, who was really sent by the Pope, as a Spy upon* Theodore, *lest he shou'd introduce any of the* Greek *Rites in* England. *It is said ther was no Discipline in this Church, before his Time: And indeed, the best regulated Churches were grown very loose as to this Point. Publick Penances were only done in* Lent, *and tho' Men were excommunicated for Obstinacy in some scandalous Crimes, yet they were absolved within a few Months after they submitted to the Church. But auricular Confession began now to succeed in the room of publick Discipline.* Theodore *wrote a* Penitentiary, *which was to direct Confessors how to conduct themselves in hearing Confessions, and enjoining Penance. And they made Confession to the Priest necessary, not in order to obtain his Absolution, but to be inform'd what sort of Penance was required for every Offence, and for the several Degrees and Circumstances of it. And the most difficult part of the Priest's Office, was to know how to proportion the private Penance to the Crime: And* Theodore's Penitentiary *was look'd upon as the best Rule in this Particular: And he was, in Truth, one of the Greatest Men that ever sate in the Chair of* Canterbury; *but he carried it with a high Hand towards the Bishops, who therfore did not overmuch affect him. And the Pope shew'd his Jealousy of him again, by sending* John *his Precentor, to teach the* English *Clergy, not the* Roman *Service, as some have imagin'd, (for that they receiv'd from* Augustin) *but the most approved Modes of singing it; and to enquire into the Faith of* Theodore, *and the rest of the Bishops. Upon which he call'd a Synod at* Bishops-Hatfield, *in* Hartfordshire *(not at* Hoth-field *in* Kent, *as some, by Mistake, have thought) in which they did in ample Form declare for the Faith of the five first General Councils. But I am not at present concern'd*

with

with this Council, becauſe nothing was there ordain'd in Relation to Government or Diſcipline: Yet this was a regular Eccleſiaſtical Council, call'd and holden by Theodore *the Archbiſhop, in the Year* 680. *So was his Synod at* Herudford, *that is,* Hartford. *And they were indeed both of them National Synods; and in the firſt of them* Theodore *ſtiles himſelf,* Archbiſhop of the Iſland of *Britain.*

A. D. DCLXXIII.

Lat. & *Sax.* *Bed. Hiſt. l.* 4. *c.* 5. Sir *H. S. Vol.* 1. *p.* 15.

THeodore aſſembled a Council of Biſhops, and of many [a] Maſters of the Church, who loved and knew the Canonical Statutes of the Fathers. When they were met together, he began with ſuch a Temper of Mind as became a Pontiff, to direct them diligently to the Obſervance of ſuch Things as concerned the Unity of the Church. A Copy of the Act of this Synod here follows.

[a] Probably Abbots, Priors, and Rectors of leſſer Churches, that were skill'd in the Canons.

In the Name of our Lord God, and Saviour Jeſus Chriſt, in the perpetual Reign and Government of our ſaid Lord, It ſeemed good that we ſhou'd come together according to the Preſcription of the venerable Canons, to treat of the neceſſary Affairs of the Church; we are met together on this 24th Day of *September*, the firſt Indiction, in a Place call'd *Heortford*. I *Theodore*, Biſhop of the Church of *Canterbury*, deſtin'd thereunto (unworthy as I am) by the Apoſtolical See, and our moſt Reverend Brother *Biſe*, Biſhop of the *Eaſt-Angles*, together with our Brother and Fellow-Biſhop [b] *Wilfred*, Biſhop of the Nation of the *Northumbrians*,

[b] *Theodore* here depreſſes *Wilfred*, Biſhop of *York*, by placing him after *Biſe*; ſome Years after he was thruſt out of his Biſhoprick, and his Dioceſe ſplit into two.

brians, who was present by his proper Legates; as also our Brethren and Fellow-Bishops, *Putta*, Bishop of the Castle of the *Kentish*, call'd *Rochester*; *Lutherius* Bishop of the *West-Saxons*, and *Winfred*, Bishop of the Province of the *Mercians*, were present: and when we were assembled, and had taken our proper Places, I said:

I beseech you, most beloved Brethren, for the Fear and Love of our Redeemer, that we may faithfully enter into a common Treaty, for the sincere Observance of whatever has been decreed and determin'd by the Holy and approv'd Fathers. I enlarged upon these, and many other Things tending to Charity, and the Preservation of the Peace of the Church. And when I had finished my Speech, I asked them singly and in order, Whether they consented to observe all Things, which had been of old Canonically decreed by the Fathers? To which all our Fellow-Priests answered, We are all well agreed, readily and chearfully to keep whatever the Canons of the Holy Fathers have prescribed. Whereupon I presently produced the [c] Book of Canons, and pointed out ten Particulars, which I had marked, as being in a more especial Manner known by me to be necessary for us, and proposed that all would undertake diligently to observe them, *viz.*

[c] That is the Volume, of which the Second Part of the *Clergyman's Vade-mecum* consists, excepting the Canons of *Trull*, and the Decrees of *Gregory* the Second; neither of which were yet made.

1. That we all jointly keep [d] *Easter* Day on the Lord's-Day after the Fourteenth Day of the Moon in the first Month.

[d] This Canon was aim'd at the *Welsh* and *Irish*, who still kept their *Easter* by another Rule, than that which *Augustin* brought from *Rome*. It is not certain what their

their Rule was, or how they came by it. *Conſtantine*, in his Letter *to the Churches* (*Euſeb. de rit. Conſt. l.* 2.) declares that the *Britons*, as well as other Nations, obſerved *Eaſter* as the Council of *Nice* had directed. Whether the *Romans* or the *Britons* had departed from the Meaſures there fix'd, will very well bear a Diſpute. The Invaſions of the *Northern* People in the fifth Century, cut off the Communication which ther had formerly been between *Rome* and the *Britiſh* Churches: And the Revolutions made by the *Saracens* in *Egypt*, in the next Century, did for a long while eclipſe the Patriarchs, and for a while interrupt the Succeſſion of them at *Alexandria*, from whence *Eaſter*-Day uſed to be notified to *Rome*, and from thence to all the *Weſtern* Churches. During theſe Commotions, the Church of *Rome* had the *Cycles* for finding *Eaſter* new-modell'd by *Victorius*, and *Dionyſius Exiguus*; and 'tis probable they made ſome Alterations, to which the *Britons* were Strangers, and therfore oppoſed *Auguſtin*, when he attempted to introduce them. It muſt be owned, that the *Britons* had not ſufficient Knowledge to ſtate their Caſe to the beſt Advantage; and that their Adverſaries have left ſufficient Proof, that they depended more on the Authority of St. *Peter*, and his pretended Succeſſor, than on their own Reaſons and Arguments. The *Northumbrians*, tho' converted by *Romaniſts*, had taken up the *Britiſh* Mode of keeping *Eaſter*, from three Biſhops, whom they had from the Monaſtery in the Iſle of *Hy*, (now *Colmkill*) an *Iriſh* Academy. *Oſwi* King of *Northumberland* had a Conference held before him on this Subject, in the Year 664, at *Streons-heal* (now *Whitby*) in *Yorkſhire*, in a Nunnery erected by *Hilda* the preſent Abbeſs: Ther were two *Iriſh* Biſhops there; *Colman* was the principal Advocate for the *Britiſh Eaſter*; ther was a third Biſhop, *viz. Agilbert* of *Weſt-Saxony*, but *Wilfred* the Abbot was the chief Speaker on that Side: *Oſwi*, tho' he had formerly kept the *Iriſh* or *Britiſh Eaſter*, gave in to the Pleadings of *Wilfred*, becauſe he was told that *Peter* was the firſt Author of the *Roman Eaſter*, and that he was Key-keeper of Heaven, from which *Oſwi* deſired not to be excluded. This was a Colloquy, not a Council, either Civil or Eccleſiaſtical; the two *Iriſh* or *Scotch* Biſhops went away unconvinced; the King pronounced Sentence for himſelf only, and his Family;

for

for before this he had kept his *Easter* sometimes, while his Queen, who was a *Kentish* Lady, was in her *Palm-Sunday*; and he pass'd Sentence, not in Consideration of the Merits of the Cause, but in Honour to St. *Peter*. The Resolution of the King was neither a Law, nor a Canon, therfore it could not properly be inserted in the Text. *Theodore* not only made this Canon in Behalf of the *Roman Easter*, but used great Industry for the observing it throughout this Island; yet the *Welsh* continued their old Practice till about the Year 800, and then *Elbodeus*, a Bishop of their own brought them into it. The ancient Canon, to which *Theodore* here refers, must have been *Antioch.* 1.

2. [e] That no Bishop invade the Parish of another, but be content with the Government of the People committed to him.

[e] See *Can. Apost.* 14. *Nic.* 15. *Ant.* 21. *Sard.* 1.

3. [f] That no Bishop be allowed to give any Molestation to Monasteries consecrated to God, nor to take away by Violence any thing that belongs to them.

[f] See *Can. Calc.* 24.

4. [g] That the Monks themselves go not from Place

[g] See *Can. Calc.* 4. 23. *N. B.* Some MS. Copies, and I think all the printed Copies, have here *Episcopi Monachi*; but *Petit* says, that three Copies have *Ipsi Monachi:* The first Mistake, probably, came from reading *Ipsi*, as if it had been *Epi*, the Abbreviation of *Episcopi*. See *Petit Theodor. Pœnit. pag.* 43. See also the 66th of *Ecgbert's Excerpt.* Yet ther have been Bishop-Monks; the *Scotch*, and some *English* Bishops, frequently lived in Monasteries, for want of an Habitation of their own. *Bede*, in his Letter to *Ecgbert*, complains, that Kings and Great Men were profuse in their Endowments of Monasteries, but that Bishops wanted Houses: And many Bishops, tired with the Fatigues of Government, have retired into Monasteries, and the Entrance into the Monastick Life, was call'd *Conversion*; but it was often a Conversion from better to worse.

Place to Place, that is, from one Monaſtery to another, without the Abbot's Leave, but continue in that Obedience, which they promiſed at the Time of their Converſion.

5. [a] That no Clerk, leaving his own Biſhop, go up and down, at his own Pleaſure, nor be received where-ever he comes, without the commendatory Letters of his Biſhop: But if he be once received, and refuſe to return, when he is deſired ſo to do, both the Receiver and the Received, ſhall be laid under an Excommunication.

[h] See *Can. Ap.* $\frac{36}{37}$ *Laod.* 41, 42. *Art.* 7. *Calc.* 23. *Sard.* 16. *Leo.* 39. *Afr.* 105.

6. [i] That ſtrange Biſhops and Clerks be content with the Hoſpitality that is freely offered them, and let not any of them exerciſe any Prieſtly Function, without Permiſſion of the Biſhop, in whoſe Pariſh he is known to be.

[i] See *Can. Ap.* $\frac{36}{37}$. *Sard.* 11, *&c.*

7. [k] That a Synod be aſſembled twice in the Year. But becauſe many Occaſions may hinder this, it was jointly agreed by all, that once in the Year it be aſſembled, *viz.* on the Kalends of *Auguſt*, at the Place called [l] *Cloves-hoo.*

[k] See *Can. Ap.* $\frac{10}{38}$. *Nic.* 5. *Ant.* 20. *Calc.* 19. *Afr.* 18, 95.

[l] *Cloves-hoo* is ſuppoſed to be *Abbyndon* in *Berks*, of old written *Sheafs-ham*, perhaps for *Cleofs-ham*. See *Ind. Nom. Loc.* at the end of *Chron. Sax.*

8. [m] That no Biſhop put himſelf before another, out of an Affectation of Precedence, but that every one obſerve the Time and Order of his Conſecration.

[m] See *Can. Afr.* 86.

9. We

9. [a] We had a Conference together, concerning increasing the Number of Bishops, in proportion to the Number of the Faithful. [b] But we determine nothing as to this Point, at present.

[a] That Synods did of old create new Parishes, (that is Dioceses) may be seen, *Can. Afr.* 53, 56, 98. The sixth Canon of *Sardica* seems to leave it to the Primate, and his Comprovincial Bishops, to erect Parishes, and ordain Bishops in them: For they could not be thought to lay Obligations on any, but them and the People, when they forbid Bishopricks to be constituted in small Cities. It is certain, ther was at this Time great Occasion for more Bishops in this Nation; when, so far as appears, ther were but as many Bishops as ther were Kingdoms, save that *Kent* had always two; and so had the *East-Angles*, when *Bise* grew infirm, and after his Death; as likewise the *Northumbrians*, upon the Expulsion of *Wilfrid*.

[b] The following Sentence is not in the *Saxonic*. And some say, in this Council the Bishoprick of the *Mercians*, that is, *Lichfield*, was divided into five, *viz.* *Lichfield*, *Lege-Chester*, (that is, *West-Chester*, I suppose, not *Leicester*) *Hereford*, *Worcester*, and *Lindsey*: Others suppose *Hereford* to have been founded sometime before, and that the Division of the *Mercian* See, was into *Lichfield*, *Worcester*, *Chester*, *Sidna-Chester*, and *Dorchester*. It is agreed, that some such Division was now made, or soon after: And that *Winfride*, who was consecrated Bishop of *Lichfield*, by *Theodore*, was also deprived by him, for opposing this Attempt. But our History here is very dark: And the Succession of the first Bishops of *Rome* is not more involved than is those of *Lichfield*.

10. As to Matrimony, That none be allow'd to any, but what is lawful. [c] Let none commit Incest. [d] Let no one relinquish his own Wife, but for

[c] See *Can. Neoc.* 2. *Bas.* 67, 68, 75, 79.

[d] See *Can. Ap.* $\frac{40}{41}$. *Basil.* 77. Yet by *Theodore's Penitential*, publish'd by *Petit*, the innocent Party is permitted to marry again: And he that has been marri'd but

but once, is allowed the ſame Liberty; and ſo is the Man, after two Years. Nay, if the Husband forfeits his Liberty, for any Crime, the Wife being a Free-Woman, is allowed to take another Man. A Man may dare ſay, that That *Penitential* was a Work of ſome Great Man in this Age, if it were not *Theodore's*. Perhaps there he ſpeaks of what may be done without direct Sin, here of what beſt becomes a Chriſtian; which may be implied in theſe Words, *Si recte Chriſtianus eſſe voluerit:* Which I turn, *If he will be a right good Chriſtian.*

for Fornication, as the Goſpel teaches. But if any Man divorce a Wife, to whom he has been lawfully married, let him not be coupled to another, but remain as he is, or be reconciled to his Wife, if he will be a right good Chriſtian.

After we had jointly treated upon, and determin'd theſe Points, to the Intent that no ſcandalous Contention ſhou'd be rais'd henceforth by any of us, [e] or that ther ſhou'd be no Miſtake in the Publication of them, it ſeem'd proper that every one of us ſhould confirm them by the Subſcription of his own Hand, according as they had been determin'd. I dictated this diſinitive Sentence of ours, to be written by *Titillus* the Notary. Done in the Month and Indiction above written.

[e] Lat. *aut alia pro aliis divulgarentur.* Sir *H. S.* has *præ* for *pro.*

Whoſoever, therfore, ſhall attempt to oppoſe and infringe this Sentence, confirmed by our Conſent, and the Subſcription of our Hands, as agreeable to the Decrees of the Canons, let him know, that he is forbid every Function of a Prieſt, and all Society with us. May the Divine Grace preſerve you ſafe in the Unity of his Church, ſo long as you live.

This Synod was holden in the Year 673, from the Incarnation of our Lord, in which Year *Ecgbert*, King of the *Kentiſh*, dying, in the Month of *July*, was ſucceeded by his Brother *Lothere*.

A. D.

PREFACE to the *Roman* Synod concerning *British* Affairs.

IT is evident, not only from the ninth Canon of the foregoing Council, but from the whole Tenor of Theodore's *Administration, that one main Point which he aimed at was, the increasing the number of* Englisſh *Biſhopricks. Pope* Gregory's *Model was, to have two Archbiſhops, one at* London, (*after* Auguſtin's *deceaſe*) *the other at* York, *with twelve Suffragans to each. And no judicious Chriſtian can think this an exceſſive Number. But* Gregory *deſign'd this Scheme on expreſs Condition that* Auguſtin *ſhou'd ſend a Biſhop to* York, *and that the City and Countries thereunto belonging receiv'd the Word of God.* Paulinus *was ordained Biſhop of the* Northumbrians *by* Juſtus, Auguſtin's *third Succeſſor, in* 625, *and had his See at* York, *and receiv'd the Pall from* Rome, *tho' he never had one Suffragan Biſhop under him. For tho', during King* Edwin's *Reign Chriſtianity gained ground, yet a Stop was put to the progreſs of it by his Death, in* 633, *thro' the Apoſtacy of his Succeſſors: whereupon* Paulinus *deſerted his See and retired to* Rocheſter, *and lived and died Biſhop of that See. Yet within two Years after, thro' the Encouragement of Pious King* Oſwald, *Religion began again to lift up its Head and recover Strength.* Aidan, Finan, *and* Colman *imploy'd their Study and Labours ſucceſſively, for near thirty Years one after the other, for the Converſion of the* Northumbrians, *and had each of them the whole Kingdom for their Dioceſe; their See was not* York, *but* Lindiſfarne, *a ſmall Iſland, or rather a great*

Rock, near the Shore of Northumberland. *They were all three of the* Britiſh, *or* Iriſh *Communion, and therfore received no Pall from* Rome, *and wou'd ſcarce have accepted it, if it had been ſent them.* Chad, *who ſucceeded* Colman (*after the ſhort Preſidency of* Tuda) *carried on the good Work of ſettling Chriſtianity in this Kingdom, for three or four Years, and his See was* York. *But* Theodore *removed* Chad, *becauſe but one of thoſe who conſecrated him was of the* Romiſh *Communion. Yet to finiſh the Converſion of the* Northumbrians *he put* Wilfrid *into the See of* York, *who was entirely a* Romaniſt, *tho'* Engliſh *born, and a Man of moſt perſwaſive Oratory; and he was deſign'd Biſhop of* York *before* Chad; *but ſtaying too long in* France, *whither he went for Conſecration,* Chad *was advanced to That See before his return.*

Now, if ever, it was time to divide this Immenſe Dioceſe, when Wilfrid *had ſpent ten Years in ſettling Chriſtianity there: therfore in the Year* 678, Theodore *calls a Synod and divided it into Two.* Wilfrid *for oppoſing this Partition was depoſed, if not degraded; and King* Ecgfrid *thruſts him out of his See. Hereupon* Theodore *conſecrates* Boſa *to the See of* York, Eata *to that of* Lindiffarne. (*Some ſay, I know not on what grounds, that* Eata *was conſecrated ſo* Hexham, Lindiffarne *reſerved for* Wilfrid, *if he wou'd accept it.*) Ecgfrid *had lately won* Lindſey, *if not the whole (preſent) County of* Lincoln, *from the* Mercians. *This new Conqueſt was erected into a Dioceſe, and* Eadhed *was conſecrated Biſhop of it at the ſame time that* Boſa *and* Eata *were conſecrated to the two* Northumbrian *Dioceſes. It ſeems* Wilfrid *thinking his former Dioceſe too narrow, claim'd* Lyndſey *as an Appurtenance accruing to it by the Right of Conqueſt. And therfore he made Complaint againſt* Theodore, *as having obtruded three Biſhops upon the See, of which he was the only juſt Poſſeſſor. He could procure no redreſs at home, for the King and Court of* Nor-

Northumbria *had a perfect averſion to him. Both* Theodore *and* Wilfrid *took care to have their Caſes ſtated to the beſt advantage, and laid before the Pope, who had great Influence here in theſe Ages. But* Wilfrid *being more diſtruſtful of his Cauſe than the other, and knowing that every Man of ſenſe is the beſt Solicitor in his own Buſineſs, imbarks for* Rome, *but was carried, by contrary Winds, to* Treſia, *and ſpent the Winter there in preaching to that barbarous People. He did not leave his new Converts very early next Spring, and had a difficult and long Journey from thence to* Rome; *and therfore did not arrive there till it was late in the next Year,* viz. 679.

In the mean time, probably before Wilfrid's *arrival, Pope* Agatho, *upon Information of theſe Stirs in* England, *calls a Synod, or rather an extraordinary Conſiſtory; ſo I call it, becauſe the greateſt part of them who ſate in it, were probably no other than the Incumbents of the more conſiderable Titles, or Pariſh-Churches in the City of* Rome. *For theſe were the Pope's ſtanding Counſellors in this Age, and were called Cardinal-Prieſts, or Deacons. Thoſe now called Cardinals were firſt eſtabliſhed in the Tenth, or Eleventh Century. The ſeventeen Biſhops who were added to theſe Prieſts, made it an* Extraordinary *Conſiſtory. It is not certain, whether theſe Biſhops were colled to* Rome *on this particular Occaſion; or had been ſummoned thither before, to aſſiſt at the Great Council, which was to be held there, againſt the* Monothelites. *They were all, I think, of the Suburbicary Provinces, and were therfore to attend upon all extraordinary Occaſions at* Rome; *but yet they might firſt be drawn thither at this time upon the greater Occaſion of condemning the* Monothelites. *And becauſe other Biſhops were not arrived in ſufficient Numbers to open the Great Council, the Pope might, in the mean time, imploy them in examining and determining the* Britiſh *Cauſe.*

A. D. DCLXXIX.

The Roman *Council about* Britiſh *Affairs.*

Lat. Sir H. S. *Vol.* 1. *p.* 158.

IN the Name of the Lord our Saviour *Jeſus Chriſt*, in the Reign of our moſt Pious Lords, the Auguſt *Conſtantine the Great*, the [a] twenty ſixth Year of his Empire, the tenth after his Conſulſhip, the twenty ſecond of the New *Auguſti*, *Heraclius* and *Tiberius* his Brethren, the ſeventh Indiction, the Month of *October*. *Agatho*, the moſt Holy and Bleſſed Apoſtolical, [b] Univerſal Pope of the Holy Catholic Church of God in the City of *Rome* preſiding, the Sacred Goſpels being placed in open view, in the [c] Royal Palace of our Saviour the Lord *Jeſus Chriſt*, called *Conſtantiniana*, together with the Glorious and moſt Holy Biſhops, who were Co-aſſeſſors and Cognuſors with him, [d] *Cre-*

[a] *Conſtantine Pogonatus* had reigned fourteen Years together with his Father *Conſtans*, and eleven Years ſince his Death, and ſo was now entred into the 26th Year of his Reign.

[b] Within ten Years after the Death of Pope *Gregory the Great*, who declared his Brother *John* of *Conſtantinople* to have been guilty of Anti-Chriſtianiſm, in taking on himſelf the Title of *Univerſal Biſhop*, his Succeſſor *Boniface* accepted the Primacy of all Churches, which implies the Title of *Univerſal Biſhop*, from the Uſurper *Phocas*. And *Boniface* dearly earn'd this Title from him, by countenancing him in the murder of his Lord and Maſter *Mauricius*, and uſurping of his Throne.

[c] *Lat. Baſilica* the Temple.

[d] *Crescens* of *Vibo-Valentia*, in *Calabria*, [e] *Andrew* of *Ostia*, [f] *Juvenal* of *Albanum*, [g] *Maurice* of *Tibur*, [h] *John* of *Faleronia*, [i] *Benedict* of *Messana*, [k] *Theodosius* of *Syracuse*, [l] *Deusdedit* of *Narnia*, [m] *Paul* of *Namen-*

[d] Never any Synod, or Consistory, met with a more ignorant Transcriber of its Acts, than he was who wrote the Copy published by Sir *H. S.* My Reader will easily see that it had been impossible for me to have spell'd out the Names, and especially the Sees of these Bishops, if I had not found them in the Subscriptions of the 125 Bishops, who sate the next Year in a Great Council at *Rome*, which are extant in the fourth Action of the Synod of *Constantinople* in *Trulla*. For instance, the Name of the first Bishop in these Acts, as publish'd by Sir *H. S*, is thus expreſt in his Edition, *viz. Crescente Ecclesiæ Vinonensis, Phoberio.* But in the Subscriptions to the Great Council, in the 38th Place, we have this same Bishop thus subscribing, *viz.* Κρέσης ——— Βίβωνος ἐπαρχίας καλαβρίας. The *Latin* (tho' it was the Original) is here too corrupted, *viz. Orestes---Vibonis*, &c.

[e] *Andrew* of *Ostia* subscribes in the next place, after the Pope in the Great Council: and the Bishop of That See being near to *Rome*, was always esteem'd the Pope's Prime Counsellor; however, *Crescens* had the upper-hand of him here, I am apt to think, it was thro' the Error of this blundering Copier. *See Art. 2. of the Council itself.*

[f] *Juvenal* of *Albanum* subscribes in the 23d place, to the Great Council.

[g] *Mauricius* of *Tibur* subscribes that Council in the 49th place.

[h] In Sir *H. S.*'s Copy, *Johannes Falaritano.* In the Subscriptions to the Great Council, it is in the 109th place, and written *Johannes Ecclesiæ Salernitanæ*; as if he had been Bishop of *Salernum.* But *Binnius* supposes it ought to be *Falernitanæ*, and the *Greek* is Φαλαρῶς.

[i] *Benedict* of *Messana* subscribes in the 40th place to the Great Council.

[k] *Theodosius* of *Syracuse* in the 39th place.

[l] *Deusdedit* of *Narnia* in the 112th place.

[m] Sir *H. S.*'s Copy has here, *Paulo Cognomento*, without any sense. But the 25th Subscription to the Great Council is, *Paulus---Nomentanæ Ecclesiæ.*

Namentum, [a] *John* of *Porto*, [b] *Deodatus* of *Nepe*, [c] *Vitus* of *Sylva Candida*, [d] *Gaudiosus* of *Signia*, [e] *George* of *Agrigentum*, [f] *Placidius* of *Veletræ*, [g] *George* of *Catana*, [h] *Deodatus* of *Tusculum*; and the venerable Priests, *Boniface*, *Peter*, *Juvenal*, *Theodosius*, *George*, *Theodorus*, *Sergius*, *Theodorus*, *Sisinnius*, *Theodorus*, *Augustus*, *Benedict*, *Paul*, *Tribunus*, *Coronus*, *Peter*, *John*, *Sisinnius*, *Epiphanius*, *Sisinnius*, *Decorus*, *Soleuncius*, *Theopictus*, *Martin*, *Sisinnius*, *George*, *Sisinnius*, *John*, *Habitus*, *Probinus*, *John*, *Martin*, *Peter*, *Eutichins*, and *Sergius*, the Deacons beloved of God, and all the Clergy standing by.

[a] In Sir *H S. Joanne Turtuense*, unintelligible: But the 26th Subscription of the Grear Council is *Joannes* ----- *Portuensis Ecclesiæ.*

[b] and [c] These two Subscriptions are confounded in Sir *H. S.* thus, *Theodato Neperi, Novita Sylva Candida:* The Reading is thus to be restored, *viz. Deodato Neperino, Vitus Sylvæ Candidæ*, accordingly the 108th Subscription to the Great Council is in *Greek* Δεοδάτῳ—— τῆς Ἐκκλησιας Νεπσίνης: in the *Latin*, *Theodorus* (a Name of the same Signification.) ---- *Eccleſiæ Nepesinæ:* and in the 24th Subscription *Vitus* ------ *Sylvæ Candidæ.*

[d] *Gaudiosus* of *Signia*, subscribes to the Great Council in the 86th place.

[e] *George* of *Agrigentum* in the 46th place.

[f] The 22d Subscription to the Great Council is *Barbatus*-----*Veliternensis Eccclesiæ*, but in *Greek* Πλακέντιῳ, *&c.* This brings it nearer to Sir *H. S.*'s Copy.

[g] The 44th Subscription to the Great Council is *Julianus* ------- *Catanensis.* Here it is *Georgio Catinensi.*

I am inclined to think, that the Name of the 15th Bishop was *Placentius*, or *Placidias*, and perhaps these two Names were esteem'd the same, because they were equivalent in Signification. But both the *Greek* and *Latin* give him of *Catana* the Name of *Julianus:* Therfore either here is another Blunder of our Scribe, or else it may be said, that *George* was Bishop of *Catana* in the Year 679, but died before the Council was open'd in the 680, and *Julian* was his Successor.

[h] I can discover no one Bishop of *Tullum* (so it is in

Sir

Sir *H. S. Deodato Tullenſe*) nor of *Tuſculum*, as I have ventured to correct it in the Subſcriptions before cited. We are not to wonder, that one among ſeventeen was preſent at this Conſiſtory, that was not preſent at the Great Council, Death, Sickneſs, or a thouſand other Accidents might intervene. However, it is more probable that his See was at the Suburbicary *Tuſculum*, than at *Toul* in *Luxemburgh*, (for all the reſt were *Italians* or *Sicilians*) and he might die or return home before the Great Council.

The Reader will not think I have taken this Pains purely to diſcover the true Lections of this Council: No, it was my intent, by this means, to prove, that thoſe Acts are genuine. None of the Monkiſh Forgers could, by chance, or even by their Craft, find fourteen true Names of contemporary Biſhops for ſo many *Italian* Sees in Ages paſt. Theſe fourteen Biſhops Names thus adjuſted are fourteen good Arguments for the truth of this Matter of Fact, *viz.* that ſuch a Synod, or Conſiſtory was at this time kept at *Rome*, and that theſe Biſhops ſate in it; eſpecially when the Date carries ſuch a juſt coincidence of the Indiction, and the Year of the Emperor's Reign

1. *Agatho* the moſt Holy and Bleſſed Pontiff, *&c.* (*as before*) ſaid to his Co-aſſeſſors, I know you cannot be ignorant for what reaſon I have called you, my Brethren, to this venerable Convention, *viz.* becauſe I deſire your Sincerity to examin and treat with me concerning the ſtate of the Church in the Iſland of *Britain*, where, by the Grace of God, the multitude of Believers are greatly increaſed, there a Diſſention is lately raiſed; whereas the harmony of the Faith is one only; which [Faith] they received by the Preaching and Inſtruction of this Apoſtolical See, it being begun and regulated by our bleſſed memorable Predeceſſor St. *Gregory*, and by St. *Auguſtin* and his Companions.

2. The moſt Reverend Biſhops [a] *Andrew* and *John* anſwer'd, in the preſence of all, ſaying, It is

[a] Here *Andrew* of *Oſtia* ſpeaks next to the Pope. See Note [c] above.

evident to all, that the Churches ſituate in the Iſland of *Britain*, do much want [b] Pontificial Succour; eſpecially becauſe of the Diſſention there between the moſt Holy Archbiſhop *Theodore*, and other Prelates of that ſame Province, which the Apoſtolical Authority only is able, with the help of God, to aſſwage, and to remove the Fuel of Diſſention, while it takes away the occaſion of Scandal, and prunes off Superfluities, and cures by Spiritual Medicines, ſuch Things as are hurtful to Chriſtian Polity, ſuch Things as are agreed to be don there.

[b] Lat. *Pontificialis Succeſſu.* I read, *Pontificiali Succurſu.*

3. [c] *Agatho* the moſt Holy, &c. (*as before*) ſaid, It appears that you, my Brethren, are agreed, that it is ſuitable to equity, that Things be brought to an iſſue: For whatever [Decrees] do ſtill ſubſiſt, our Predeceſſors by unanimous Agreement, have long ſince provided and ordained; that is, the Bleſſed *Gregory* the Firſt, Pontiff of This Apoſtolical See, and the Apoſtolical Summity of all [d] *Saxony*, and his Succeſſors the Apoſtolical Pontiffs down even to our Times. And we have before this provided and ordained, that thoſe Statutes which have been long ſince eſtabliſh'd by Synodal Decrees, by the Bleſſed *Peter*, Prince of the Apoſtles, be immutably and inviolably kept for ever, by all the Prelates of the Churches of Chriſt, where they are conſtituted.

[c] Of all Papal Speeches and Acts that I have ſeen, *Agatho*'s come behind none in flatneſs, incoherence, and obſcurity. Ther is little to be learn'd from him, but that he was much diſpoſed to diſplay and magnify his own ſuppoſed Authority. And his Bench of Biſhops were of a Piece with him. And probably the Tranſcriber has don his Share by confounding and tranſpoſing what was before dark and harſh.

[d] It is not often that *England* paſſes under the Name of *Saxony*, as here it does.

It

It ſeems probable that ſome Paragraphs are here wanting: For the following Diffinition, one wou'd think, cou'd not have been made, eſpecially not by two Biſhops only, without ſome previous debate concerning an Addition to be made to the Engliſh *Dioceſes, beyond what had been yet don by* Theodore.

4. *Creſcens*, Biſhop of the Church of *Vibo*, and *Juvenal* Biſhop of the Holy Church of *Albanum* ſaid, Therfore the whole Synod giving a regular Diffinition, is agreed, as to theſe Points [e] with the moſt Holy and Bleſſed Pontiff *Agatho*. And if the Enemy of Mankind is always endeavouring to ſow Tares among the good Seed, [f] care is to be taken of him. Among the Faithful in the Iſland of *Britain* he has endeavoured to excite Churches, and Prelates of Churches againſt each other. But the ſupernal Clemency permits not its Faithful People always to be tempted, but gives advice, that they who conſult and are conſulted, embrace each the other, [and] both be ſaved. Therfore all Points being conſider'd and debated, both what we know, by the relation of ſuch as come hither, and what could be collected from the divers written Reports that have been ſent to the Apoſtolical See, upon a very ſolicitous Enquiry we have reſolv'd, with common conſent, to publiſh this Diffinitive Sentence: We determine then, and ordain, by the Authority of the bleſſed *Peter*, Prince of the Apoſtles, to whom the Creator and Saviour of Mankind, the Lord Jeſus Chriſt the Son of God, gave the Keys of binding and looſing in Heaven and Earth, that every Kingdom conſtituted in the Iſland of *Britain* have Biſhops

[e] Dele *quæ*.

[f] I read, *cavendus eſt*, not *et cavendis*; and delete *hoc eſt*.

Biſhops of their Provinces ſo placed, in proportion to their Dominion, that all the Prelates of the Churches, together with the Archbiſhop, may be [g] Twelve in number. Let the Biſhop, who for the time being is honoured with the Pall by this Apoſtolical See, promote, and canonically Ordain them to the Sacerdotal Honour; and let them be ſubject to his Ordering only: with this expreſs Condition, that none of the Biſhops preſume to meddle with the Rights of another Prelate; but that every one preſerve his own Rights untouch'd, and ſtudy to inſtruct and convert the People.

[g] Whatever Diviſion was made in, or ſoon after the Council of *Herudford*, it is certain, that Biſhops were not yet put into thoſe new Dioceſes in the Kingdom of *Mercia*, nor till many Years after this. It is certain, that *Sexulf* of *Lichfield* was the ſole Biſhop in *Mercia* at this time; unleſs you will reckon *Lindſey* to be in *Mercia*, tho' conquered by the King of *Northumberland*, and there indeed *Eadhed* was Biſhop. When the ſecond Article of this Council mentions a diſſention between *Theodore* and *other Prelates*; the words ſtrictly taken do imply, that ſome other Biſhops, or one at leaſt beſide *Wilfrid*, reſented *Theodore*'s Proceedings. And 'tis not improbable, that *Sexulf*, tho' promoted by *Theodore*, as well as *Wilfrid*, was diſpleas'd at *Eadhed*'s being put into a Dioceſe diſmembred from his; eſpecially, becauſe he knew that *Theodore* meditated ſtill a Subdiviſion of this great *Mercian* Dioceſe. It is certain that *Hedde* of *Wincheſter* could not diſlike *Theodore*'s Management, becauſe his See was privileg'd from any Partition during his Life, on account of his Merit in tranſlating the Body of *Binnus* from *Dorcheſter* to *Wincheſter*, together with his See, by Papal Authority. *Rudburn* in his *Hiſtoria major*, *Wint.* (*L.* 2. *c.* 23.) cites the ſecond Decree of *Theodore* to this purpoſe. If we had the reſt of thoſe Decrees, they wou'd give us great light into this Matter. If we compute the number of the *Engliſh* Biſhops at preſent, they were as follows, one at *Canterbury*, a ſecond at *Rocheſter*, a third at *London*, a fourth at *Wincheſter*, a fifth and ſixth at *Elmham*,

Elmham, and *Dummoc*, a ſeventh at *Lichfield*, an eighth and ninth at *York* and *Lindiffarne*. If *Eadhed* was removed from *Lindſey* by this time (as we are ſure he was, when the King of *Mercia* recover'd that Country from the *Northumbrians*, which was now, or ſoon after) yet he preſided at *Rippon*, tho' whether as Biſhop or Abbot is not ſo certain. However, *Hereford* was erected into a Biſhoprick about this time: ſo that we may depend upon the number Ten: therfore but two more were neceſſary to make up the Complement here preſcribed by the Pope and Conſiſtory. Accordingly *Theodore*, three Years after the Depoſition of *Wilfrid*, conſecrated *Trumberht* to *Hexham* and *Trumwin* for the Dioceſe of the *Picts*, the See whereof was afterwards fix'd at *Wittrin*, *Bede*, *L.4. c.* 12. It ought particularly to be obſerved, that this Article is wholly in favour of *Theodore*'s Proceedings. It is ſo far from condemning him for increaſing the number of Dioceſes, that it injoins more Biſhops ſtill to be created; and inſtead of blaming him for filling the Sees by his own Authority, it declares the Power of filling Sees, when vacant, to be in him. And it ought to be remarked, that the Kings of *Mercia* were the principal Adverſaries and Obſtructors to *Theodore*, and his deſigns of increaſing the number of Biſhops. When *Theodore* depoſed *Winfrid* for not ſubmitting to a Partition of his Dioceſe, and put *Sexulf* in his ſtead, the Dioceſe was ſtill kept undivided: This muſt have been thro' King *Ethelred*'s Oppoſition: And again, the ſame King put *Wilfrid* into a Dioceſe in *Mercia*, when he was ejected from *York*. For tho' this King was againſt the Diviſion of the *Mercian* Dioceſe when propoſed by *Theodore*, yet he did it of his own accord, when he thought it would be diſobliging to the Archbiſhop of *Canterbury Brihtwald*, *Theodore*'s Succeſſor. For it was the Metropolitical Power of the See of *Canterbury*, that theſe *Mercian* Kings could not reliſh: Therfore when *Wilfrid* was depoſed from his *Mercian* See, *Ethelred* and his Succeſſor *Kenred* wou'd permit no Biſhop to ſupply his place. But *Hedda* was ſole Biſhop of the *Mercian* See and Kingdom, as *Sexulf* had been before.

5. We

5. We alſo ordain and decree, That Biſhops, and all whoſoever profeſs the Religious Life of the Eccleſiaſtical Order, do not uſe Weapons, nor keep Muſicians of the Female Sex, nor any [h] Muſical Conſorts whatſoever, nor do allow of any Buffoonries, or Plays, in their preſence. For the Diſcipline of the Holy Church permits not her faithful Prieſts to uſe any of theſe Things, but charges them to be employ'd in Divine Offices, in making Proviſions for the Poor, and for the Benefit of the Church: eſpecially let Leſſons out of the Divine Oracles be always read, for the edification of the Churches, that the Minds of the Hearers may be fed with the Divine Word, even at the very time of their Bodily Repaſt.

[h] Lat. *Symphonia*, but Syntax requires an Accuſative Caſe. I wou'd read, *Symphoniaca*, or *Symphoniacas*, *Women to perform their Parts in a Conſort.*

6. *Agatho* the moſt Holy. *&c.* (*as before*) ſaid, If it might be thought provident and ſeaſonable, by [i] your Brotherly Charity, it muſt alſo be decreed much for the Souls Health of the People there, that Inquiry be made concerning the [obſervance of the] Eccleſiaſtical Statutes, and the [k] ſituation of the Biſhops, and their approbation of the Catholic Faith, in what manner, and how orthodoxly it is kept, and held by all, in the Provinces of *Saxony*.

[i] *Veſtræ*, not *Veſtri*.

[k] Lat. *De ſerie Epiſcoporum*. *Series* often redounds in ancient Writings, but here it may ſignify the diſtance of the Biſhops and Sees, from each other. *See Art.* 4.

7. *Andrew* and *John*, the moſt Reverend Biſhops of the Churches of *Oſtia* and *Porta*, ſaid, It is certain, by what is injoined your Holineſs, as by the Sen-

Sentence of the Apoſtles. [1][Therfore] let this Decretal Order be directed from hence thither, in a Letter, by a prudent, proper, well-learned Man, to *Theodore* the moſt Reverend and Holy Archbiſhop of the *Kentiſh* Men, who belongs to the Holy Church of God our Saviour (in which He that redeemed the Church with his own Blood, our Lord Jeſus Chriſt, founded the [m] Sacerdotal Primacy in thoſe Parts, in building and ſettling it by the Authority of the bleſſed *Peter*, Prince of the Apoſtles, and by your Predeceſſor *Gregory* of bleſſed Memory, and by St. *Auguſtin* his [a] Syncellite) that the ſaid *Theodore* may, by your Sacred Authority, and by conſent of our Synod, aſſemble a General Council, and cauſe a publick, [b] univerſal Synod of all Prelates, Kings, Princes, and all the Faithful Seniors and Elders of all *Saxony*: and do you charge them by Authority of your Apoſtleſhip, with a diligent Scrutiny, to make Inquiry before all, and that they do all obſerve, not only [c] theſe Orders aforeſaid, but whatever elſe your Holineſs injoins by your Meſſengers, or by your Letters. For what is managed

[1] A full Stop at *Cenſurâ*.

[m] Lat. *Sacerdôtii Principatum*. If ther be any thing clear in the Acts of this Council, it is this, That *Gregory*, by St. *Auguſtin*, ſettled an Archbiſhoprick at *Canterbury*. And this is ſaid at *Rome*, by thoſe who kept the Regiſtries of all the Proceedings of former Popes, or had them within their reach to conſult upon all Occaſions. It was ſaid, within leſs than 80 Years after this Settlement muſt have been made, by Pope *Gregory*'s firſt Proviſion (*Bede*, *L.* 1. *c.* 29.) *Canterbury* was to have the Primacy during *Auguſtin*'s Life only. The perpetual Settlement of the Primacy at *Canterbury* was therfore made in the declining part of *Auguſtin*'s Life, probably the Year before he died, *viz.* 603, at the ſooneſt.

[a] Deputy, or Surrogate. See Sir *H. S. Gloſſ. Sincelius.*

[b] *Œcumenicam.*

Read *has prædictas.*

naged by the consent of many can give no Offence to them who have consented to it. This Proposal pleased the whole Synod, together with the most Holy and Blessed Apostolical Pontiff *Agatho*. And they all began unanimously to inquire after, and by the guidance of Christ they found the Man, the venerable *John*, Precentor of the Church of St. *Peter* the Apostle, and Abbot of the Monastry of the Blessed *Martin*, who was sent at the command of *Agatho*, from *Rome* to *Britain*.

8. We ordain and decree, by [d] this Provident, and notable Instruction of the Canons to bring Profit, as to the Stewards of the Church, so also to the People committed to them, whom the Divine Clemency hath brought to the knowledge of its self. And we judge it to be for their Soul's Health, that by the great numbers of neighbouring Bishops, who take care to bring [each] his own Parish to the study of perfect Religion, the Pimps of Heretical Pravity may find no room to deceive the Simple, and to disseminate their Schisms and Errors; forasmuch as they are daily cut down and made to fall by the Scythe of Pious Doctrin; and all things are wholsomly deliberated and order'd [e] (so as strongly to prevail) by the Counsel of many Bishops assembling with the Archbishop. For where *many Counsellors are, there is safety:* And so, where two or three are assembled in the Name of the Lord, there is *He in the midst of them*; much more where many are unanimously gather'd together to confess his Name, and to glory in his Praise.

[d] *Hac*, not *hæc*. This is one of the vainest Decrees that ever pass'd in a *Roman* Synod. To ordain that the Canonical Means used by them shall destroy Schisms and Heresies, is just as wise as if a Commission of Sewers should, in sober sadness, resolve and decree, that the Walls and Banks raised by their direction, shall shut out the Sea and keep it at a distance from the *Terra firma*.

[e] Here add *ut*. After *convenientium* dele *cum*.

9. More-

9. Moreover, *Agatho*, the moſt Holy, *&c.* (*as before*) delivered alſo to the aforeſaid Religious Abbot *John* the Synod of the Bleſſed Pope *Martin*, ſubſcribed by one hundred and five Biſhops, not long before, at [f] *Rome*, that, when he went into *Britain*, he might carry it with him to the Archbiſhop *Theodore*, not only as a Teſtimony and Confirmation of his Legateſhip; but alſo that *Theodore* the Archbiſhop might [g] recommend That, whatever it were, which he, with the wiſe, faithful, and religious Men in the Provinces of the *Engliſh*, could find conducive to the Profit of the Churches of Chriſt, and of all the People of God that dwell there; or to the Religion of Chriſt, to be corroborated and tranſcribed by the Authority aforeſaid.

[f] *Romæ*, not *Remis*. The Council at *Rome* under Pope *Martin* in the Year 648, or rather 9, is clearly the Council here meant. It contains four Pages in Sir *H. S.* beginning at page 171.

[g] I read, *recommendaret*, not ------*daverat*.

It may ſeem ſtrange that Pope Agatho *ſhou'd not charge his Legate*, John, *to let* Theodore *know, that he accepted of his excuſe for not attending the approaching Synod at* Rome, *which the Popiſh Writers ſay was his Age and Infirmities, tho' he lived Ten Years after this, almoſt Eleven: nay, which is more ſtrange, ther is no hint given, that he did ever at all expect him. If he ever had any hopes of ſeeing him at* Rome, *he had certainly now given it over; elſe he wou'd have deſired him to haſten his Journey, at leaſt, ſo ſoon as the* Engliſh *Synod had concluded their Buſineſs. In this Pope's Synodical Letter, written to the Emperor, as before has been ſaid, an excuſe is made for the tardineſs he had been guilty of in ſending this Synodical Letter no ſooner*, viz. *becauſe he had long expected* Theodore *Archbiſhop of* Canterbury, *to join wioh him in the Synod which he aſſembled at* Rome: *and this Letter was*

was written the Year after that John *was sent to* England. *The Synod of* 125 *Bishops held at* Rome *was assembled on purpose to collect the Sentiments of the Western Churches in relation to the Heresy of the* Monothelites: *And in* Agatho's *Letter, now mention'd, the Belief of the Western Bishops is reported to the Emperor by the Pope, and subscribed not only by* Agatho, *but the* 125 *Bishops, of which* Wilfrid *is one. Our* English *Writers commonly say, that Pope* Agatho, *in That Letter declares, that he hoped to have* Theodore's *Company to the Council held that Year* (viz. 680.) *in* Trullo *at* Constantinople; *but I do not find that the Pope in his Letter gives the least intimation of his own design to go to* Constantinople, *much less of bringing* Theodore *thither with him: nor are the Words cited by our Writers the same with those used in the Letter itself. The Council at which* Theodore *was expected, was That held at* Rome; *and of his being invited thither ther is not one Word mention'd in the Instructions here order'd to be given to* John *the Precentor. The Truth I take to be this,* Agatho *supposed that* Theodore *wou'd take a Journey to* Rome *in order to vindicate his own Proceedings against* Wilfrid; *and if he had come, intended to have given him a Place in the Great Synod; but* Theodore *not distrusting the Justice of his Cause, saw no occasion to take so long a Voyage to answer* Wilfrid's *Cavils; and then he was sure of the King and Court of* Northumberland. *The Pope might delay his Synod upon an apprehension that* Theodore *wou'd come to* Rome; *but when either by Letters from him, or by some other means, he understood that he was not like to see him at* Rome, *he sends his Legate to know the Sentiment of him and the whole College of* English *Bishops; and in a few Months after celebrates his* Roman *Synod. And in obedience to the Pope's Command a Synod was called here, at* Hatfield, *by the Archbishop, in* September 680, *at which all the* English *Bishops are said to have been present, tho' their*

Names

Names are not particularly expreſs'd; and they declare their adherence to the five firſt General Councils, and to That held by Pope Martin, *and* 105 *Biſhops at* Rome, *in the Year* 648, *or* 9: *a Copy of which Council Pope* Agatho *ſent by* John: *and ther can be no doubt but* Agatho *wou'd have ſent a Copy of his own Council too, if That had been held before* John *was diſpatch'd toward* England, NB. *This was* John *the Precentor who taught the* Roman Uſe *in the* North. *See the* General Preface.

A. D. DCLXXX.

PREFACE to the Council at *Rome* in favour of *Wilfrid.*

NOtwithſtanding what had been don at Rome *the former Year,* Wilfrid's *Perſonal Appearance wrought a great Alteration in the Opinions of the Pope and the Court Biſhops.* Wilfrid *had formerly been a Student at* Rome: *Archdeacon* Boniface *taught him the four Goſpels and the Eccleſiaſtical* Computus, *and ſuch Things, ſays* Bede, *which he could not be taught in* England, *tho'* Bede *himſelf learn'd them in* England *not long after, and learned much more, probably, than* Wilfrid *ever did, and to ſuch perfection, that the Pope earneſtly deſired his aſſiſtance in deciding ſome knotty Points: Therfore I know not what it was* Wilfrid *learn'd at* Rome, *which he might not as well have learn'd here, unleſs it were the Art of ſoliciting his Cauſe, and ſecuring his own Intereſt there. And he was an able Man this way. For as his Dioceſe was enormouſly large, ſo* Bede, *who liv'd and flouriſh'd at*

this time, tells us, that every one, in the moſt remote Parts of the Dioceſe, paid a certain yearly Sum to the Biſhop, tho' he never came near them. This he ſays in his Letter to Ecgbriht *publiſh'd by Sir* James Ware. *It was* Wilfrid's *Wealth and ſplendid way of living that firſt provok'd the Envy of the* Northumbrian *Court againſt him. Whatever Arguments they were that he made uſe of, they were ſo ſtrong, that the Pope and his Courtiers could not wholly reſiſt them; and tho' they could not for ſhame wholly acquit him, yet they ſhew'd their good Inclinations toward him, by mitigating the Sentence, ſo far as it was in their Power to do it. They were indeed bound in gratitude to countenance him ſo far as poſſible; for he had been very ſerviceable to the* Roman *Intereſt, by labouring to introduce all the Modes of That Church, and particularly in relation to the keeping of* Eaſter; *as appears eſpecially by the Conference at* Streons-heal; *and this was a Point which the Pope and his Friends had much at Heart in thoſe Times.*

Ther is one thing in the Diſpute between Theodore *and* Wilfrid, *which well deſerves our Reflection; I mean, that ther is no hint given us that the latter did ever allege the Right of his See to a Metropolitical Power. This was what* Gregory *ſettled upon the See of* York, *and what the firſt Poſſeſſor of that See,* Paulinus *actually injoyed: and by this Settlement* Wilfrid *had been, in all reſpects, upon the level with* Theodore, *excepting barely the Point of Precedence: And upon this Scheme* Theodore *could no more have depoſed* Wilfrid, *than* Wilfrid Theodore. *Nor can ther be any other Reaſon aſſign'd, as I conceive, why* Wilfrid *did not inſiſt upon the Privilege of his See, and ſue to* Rome *for his Pall, but this, that he knew that* Gregory's *Settlement of the Primacy at* York *had been cancell'd, and that the Primacy of all* Britain *was in* Theodore. *That ther ſhould be but Twelve Biſhops in* England, *inſtead of Twenty ſix deſigned by* Gregory, *ſeems wholly*

wholly to be the Project of Agatho *the present Pope, and the Synod next above. But that the See of the Southern Archbishop shou'd be at* Canterbury, *not at* London ; *and that his Primacy shou'd extend over all* Britain, *contrary, in both respects, to* Gregory's *Plan, ought to be imputed to some more ancient Provision made by the Pope. And that the Southern Primacy shou'd continue at* Canterbury *must have been resolv'd upon or before the death of* Augustin ; *if it had not,* Laurence *had been Archbishop of* London, *not of* Canterbury. *And it is scarce to be conceived, that this could have been don, according to the Notions of this Age, without the Pope's Concurrence. I know some impute it to the Will and Affection of the Princes and People, who wou'd have the Primacy remain at* Canterbury, *in honour to* Augustin, *their Apostle. But if the Pope had not approv'd and confirm'd their Resolutions,* Laurence *could never have obtain'd the Pall : Yet the Primacy of* Canterbury *was not extended, probably, to all* Britain, *till* Theodore *obtain'd this of* Vitalian. Bede (L. 4. c. 2.) *expresly says, That he was the first Archbishop to whom all the Church of the* English *submitted : Yet, in truth, the Archbishop of* Canterbury *was the only Primate from the Year 633, when* Paulinus *retreated from* York *to* Rochester. Aidan, Finan, *and* Colman, *who next succeeded, contented themselves with the See of* Lindisfarne, *and were of the* British, *or* Irish *Communion, and so neither desired the Pall, nor if they had, could they have obtained it.* Tuda *and* Chad *were Men averse to all the Elegancies, I had almost said, Conveniences of Life, much more to the affectation of Grandour and Precedence, as the others likewise were. But* Wilfrid *was not only a perfect* Romanist, *in other respects, but also in his* Fastus, *and therfore wou'd certainly have endeavour'd to get the Pall, and might have claim'd it, according to the Provision made by* Gregory, *and wou'd have don it, if he had not known that other, and con-*

trary Decrees had been passed at Rome. *And Pope* Agatho, *and his Synod, declare that this was don by* Gregory *in the sixth Article of the foregoing Acts: therfore* Wilfrid *himself was content to be a Suffragan to* Theodore *for ten Years, and on all Occasions professes Obedience to him, excepting in the disputed Point of the Partition of his Diocese.*

Sir H. S. *supposes the foregoing and following Synod to have been the same; but I am so far from being of this Opinion, that I look upon them as contradictory to each other: and have here inserted them as a plain Instance of* Romish *Infallibility's opposition to itself. If, as is probable, the Bishops and others that sate in both Assemblies were the same, this self-opposition is still more gross and shameful, and is a clear Proof of* Wilfrid's *dexterity in Management, by which he prevail'd with above fifty Men, in a few Months time, to unsay what they had decreed before: And it can hardly, in the nature of Things, be supposed, that he could effect this without a considerable length of Time. But from what hath been said before, it is evident, that the Bishops who assisted the Pope in his former Consultation concerning the* British *Affairs, were still at* Rome, *attending the Great Council against the* Monothelites, *which was now actually at Work, as appears by the sixth Article of the following Synod, or rather the Appendix, or Postscript to it. And my Reader will not, from my calling it a Synod, in compliance with others, conclude that it was strictly such. If Pope* Agatho *had intended that* Wilfrid *shou'd be heard in a Synod properly so called, he would have proposed the Matter to the* 125 *Bishops now with him, to condemn the* Monothelites. *But so great a number could not so easily be brought into the Pope's and* Wilfrid's *Measures. It was, as the former, strictly speaking, only an extraordinary Consistory. As the principal Speakers were the same in both Assemblies, so ther is room to suppose, that the rest were so too, or however, that they were such*

as belong'd to the Suburbicary Sees, of whom the Pope had plenty now with him; the Great Synod having before this actually begun their Sessions; therfore we must suppose, that the Pope held this Consistory upon a non-Synodical Day,

A. D. DCLXXX.

The Synod at Rome *concerning* WILFRID.

THE most Holy Pope *Agatho* assembled a [a] Council of fifty Bishops and Abbots in the Royal Palace of our Saviour, call'd *Constantiniana*, the manner whereof here follows: *Lat. Sir H. S. Vol. 1. p. 160.*

1. *Agatho*, the most Holy and Blessed Bishop of the Catholick and Apostolical City of *Rome*, said to his Co-assessors, I believe you cannot be ignorant for what reason I have called you, my Brethren, to meet in this venerable Convention. I desire your Reverences to take cognusance of, and treat with me of the Dissentions lately raised in the Church of the Island of *Britain* (where, by the Grace of God, Believers are grown into a great Multitude) which is related to us by such as come hither, and by written Letters. *Andrew* and *John*, the most Reverend Bishops of *Ostia* and *Porto* said, The ordering of all Churches depends on your

[a] The Historian supposed the Priests specified in the Acts of the former Consistory to have been Abbots; but, as I there observed, they were probably no other than the Cardinal Priests or Incumbents of the City Churches, who were the Pope's standing Counsellors. And I have given sufficient Reasons to shew, that this was no proper Council, or Synod, but only an extraordinary Consistory.

Apoſtolical Authority, who are the Deputy of the Bleſſed Apoſtle St. *Peter*. We alſo, with the Biſhops our Co-aſſeſſors, at your command, lately read over the ſeveral Writings, which they that have been ſent hither from the Iſland of *Britain*, have brought into your Apoſtolical Preſence; as well thoſe from the Perſon of the moſt Reverend Archbiſhop [*Theodore*] (who was ſent thither from hence by the Apoſtolical See) as the Reports of others againſt a certain Biſhop, who (as they expreſs it) is upon the Subterfuge: as alſo ſuch as have been offer'd by *Wilfrid*, beloved of God, Biſhop of the Holy Church of [b] *York*, who being ejected from his See, by the aforenamed moſt Holy [*Theodore*] is come hither. Whereas they have inſerted many diſputable Points in theſe [Writings], and we do not find that he hath been convicted of any Crimes committed againſt the perſpicacious Proviſion of the Canons; and his Accuſers, even by their own Words, have not ſhew'd, that he has don any thing ſo criminal, as to deſerve Degradation; nay, we rather know, that he hath contain'd himſelf within the Bounds of Modeſty; becauſe he has not engaged himſelf in any Seditious Animoſities: but being expell'd from his See, the ſaid Biſhop *Wilfrid*, beloved of God, flies hither to the Apoſtolical See, to notify the Fact, as it deſerves, to his Fellow-Biſhops,

[b] The generality of Writers call *Wilfrid* Biſhop of *York*, and ſo he was originally, I conceive, beyond all doubt; but he never was reſtored to this See, but forced to be content with *Hexham* (then *Hagulſtade*), which makes ſome ſuppoſe him firſt put into That See.

2. The moſt Holy and Bleſſed Biſhop of the Church Catholic, and the Apoſtolical City of *Rome*, ſaid to his Co-aſſeſſors, Let *Wilfrid*, Biſhop of the Holy Church of *York*, beloved of God, who, as we

are

are told, ſtands at the Door of our venerable Conſiſtory, be admitted, according to his Requeſt, together with his Petition, which he is ſaid to bring with him. As Biſhop *Wilfrid*, beloved of God, entred into the Conſiſtory, he ſaid, *I intreat your Pontifical Beatitude, that ye would command the Petition of your Humble Servant to be received, and read in your Preſence.* The moſt Holy Biſhop *Agatho* ſaid, *Let the Petition of Biſhop* Wilfrid, *beloved of God, be received, and read before all.* And *John* the Notary took and read it to the Holy Apoſtolical Council.

3. "I *Wilfrid*, an unworthy Biſhop of *Saxony*, "have conducted myſelf (God preventing me) to "this eminent Apoſtolic Place, as to a fortified "ſtrong Caſtle, becauſe I know, Canonical Regula- "tions are derived from hence to all Churches of "Chriſt; therfore I do with confidence ask for "Juſtice. For I doubt not but your Pontifical "Eminence, as well by the ſecret Information of "your humble Servant, as by what I have perſo- "nally offer'd in your Apoſtolical Preſence, *vivâ* "*voce*, at my firſt arrival, knows, that certain Men, "the Invaders of my Biſhoprick, without con- "victing me of any [c] Fault, contrary to the Ca- "nons, have attempted to uſurp my See (which I "had holden Ten Years and more) in a Conventi- "on of the moſt Holy *Theodore*, Archbiſhop of "*Canterbury*, and other Prelates aſſembled with "him. And Three Biſhops are promoted to [d] my

[c] It is ſtrange he ſhou'd think it no fault to oppoſe, his confeſſed Primate, and College of *Engliſh* Biſhops in ſo reaſonable a Decree as That which was made for the Partition of his Dioceſe; in which too they acted with the approbation of the King of *Northumberland*.

[d] It is certain that *Lindſey*, or the County of *Lincoln*, was originally no part of his See; and yet he could not truly ſay, that three Biſhops were thruſt into his See, unleſs he had reckon'd *Eadhed* of *Lindſey* for one.

" See, tho' their Promotion be not Canonical. " But it becomes me to pass over in silence, rather " than to demand, what is the matter that the " most Holy Archbishop *Theodore* should ordain " three Bishops, myself living, to my See, (which " I, tho' unworthy, officiated) and that [e] without " consent of any Bishop, your humble Servant not " acquiescing; *to pass it over in silence, I say*, out of " Reverence to That Man, whom I dare not ac- " cuse, as having been sent [to *Britain*] by the " Eminent Apostolical See. But if it appear, that " I being expell'd from my long enjoy'd See, a- " gainst the Right of Regular Sanctions, without " any such Crime as Canonical Severity strikes at, " have yet been troublesome to no Man, but with- " drew myself, after having first made my Protest " to my Fellow-Servants and Fellow-Priests, the " Bishops of that Province——If your Apostolical " Eminence judge that I am [justly] deprived, I " cheerfully embrace the Determination with a de- " vout Humility. But if [ye decree] that I should " receive again my long injoy'd Bishoprick, I am " forthwith in pursuit of it, and with all my Might " venerate the Sentence pass'd by the Apostolical " See, only [praying] that the Invaders be expel- " led from the old Parishes of the Church over " which I your unworthy Servant presided. And " if

[e] It is evident that a Synod of Bishops consented to the Partition of his Diocese, so *Wilfrid* himself confesses, tho' he minces the Matter by saying *they attempted to do it in a Convention*, &c. King *Ealdfrid* speaks out, and says, *Wilfrid* had twice been condemned in two Synods (*Spelm.* I. Vol. p. 203.) now by *Theodore*, afterwards by *Brihtwald*. It is probable indeed, that after *Wilfrid*'s See was vacated and divided into two, in Synod, *Theodore* fill'd both by his own Authority: And it is observable, that the foregoing Synod at *Rome* (Article the third) does expressly allow this Power of filling vacant Sees to the Archbishop of *Canterbury*.

"if it be thought fit, that Biſhops be anew added "in that Pariſh, over which I preſided, let your "Command be that ſuch Biſhops at leaſt be pro- "moted, as that I may unanimouſly ſerve God "with them, by means of the Prevalence of a "calm, and ſedate Unity, *&c.*

4. *Agatho*, the moſt Holy and Bleſſed Biſhop of the Holy Catholick Church of the City of *Rome*, ſaid, The Petition which Biſhop *Wilfrid* beloved of God hath offered, gives no ſmall Satisfaction to the Hearers, on this Account, that whereas he conceived himſelf undeſervedly ejected from his Epiſcopal See, he made no Reſiſtance by Contumacy, and ſecular Force, but with an humble Sentiment requeſted the Help of our [f] Principal, Bleſſed *Peter*, the Prince of the Apoſtles, profeſſing that he would ſubmit to whatever was determin'd, like an humble Suppliant waiting for what our Principal, the Bleſſed Apoſtle *Peter*, (whoſe Place we officiate) ſhould think fit to be ordained by our Mouth.

[f] The Pope here is willing to have it thought, that this, and ſuch like Diſputes were to be decided by his own ſingle Authority, and *Wilfrid* who perfectly knew the Arts of Addreſs in this Court, in his Petition, ſeems to apply to the Pope only; but the two Biſhops who ſpeak in the firſt Article, expreſs themſelves in ſuch a Manner, as to ſhew their Opinion, that *Wilfrid* ſought Redreſs from the Biſhops now aſſembled, as well as from the Pope: and ſentence is paſſed in the fifth Article in the Name of the whole Synod, or Conſiſtory.

5. The whole ſacred Synod definitively pronounced thus, among other Particulars, We ordain, and decree that Biſhop *Wilfrid*, beloved of God, do take the Biſhoprick, which he lately had: [g] and let

[g] Let the Reader judge whether this Article do not in Part contradict the third Article of the preceeding Synod:

nod: for there the Archbishop has the sole Power given him of supplying vacant Sees, which were to be eleven, beside that of *Canterbury*. Here they mention no certain Number, but leave it to a Synod here in *England* to accept, or refuse such *Northumbrian* Bishops as *Wilfrid*, not *Theodore*, should name, and make the Bishops, not Dioceſans, but rather *Chorepiſcopi* to *Wilfrid*; the Conſecration only being left to the Archbishop. However the Reader may here ſee the Modeſty of Pope *Agatho* and his Biſhops, in that they do not abſolutely and peremptorily define the Cauſe, but leave it to an *Engliſh* Synod to conclude the Affair. I call this Modeſty, in compariſon to the arbitrary poſitive Proceedings of Popes in after Ages. So when *Wilfrid* was a ſecond time depoſed in Synod, and had again run to *Rome* for Succour, *John* the Sixth, then Pope, after many and long debates, remits the Cauſe to be determined by a Synod in *England*, charging the Kings of *Mercia* and *Northumberland* to ſee that it were called; and declaring, that if they did not by this means, bring Matters to an Iſſue, he wou'd ſee the Cauſe finally determined by a greater Synod at *Rome*, which yet he never did. The truth is, *Theodore* paid ſo little deference to the Pope, that he would not call the Synod as Pope *Agatho* had injoined him. And *Brihtwald* was ſo regardleſs of the See of *Rome*, that he wou'd not ſend his Advocates, or Solicitors, thither to anſwer *Wilfrid*; of both which Particulars Pope *John* complains in his Letters, which he ſent by expreſs Meſſengers, or Legates, by whom *Brihtwald* was at laſt terrified into a Compliance, and *Wilfrid* was reſtor'd in Synod to the See of *Hexham* only, and died four or five Years after in perfect Peace. We are no where I think, expreſly told for what Crime *Wilfrid* was depoſed a ſecond time. I take the Cauſe to have been his taking a Biſhoprick in *Mercia*, by the aſſignment of the King only, without Archbiſhop *Brihtwald*'s Leave: The King of *Northumberland* had baniſh'd him from his proper See, and he took Poſſeſſion of another in an uncanonical manner; for which he was firſt Excommunicated, then depoſed. But he was reſtored to his *Northumbrian* Dioceſe only, not his *Mercian*; yet he had ſome Monaſtries in the Kingdom of *Mercia* yielded up to him, he being the Founder of them.

let

ſet ſuch Biſhops as he ſhall chooſe, with the conſent of a Synod there to be aſſembled, when they have firſt been ordained by the moſt Holy Archbiſhop, be promoted to be his Adjutors, after the expulſion of thoſe who in his abſence have irregularly been put into Poſſeſſion of his Biſhoprick. With an *&c cætera*, in which they lay thoſe who receive not theſe Decrees under an [h] Interdict.

[h] Here the Hiſtorian uſes the Language of his own Age, not of the ſeventh Century. Interdict was a Cenſure now unknown. *John* the Sixth in the Decree, which he ſent to the Kings of *Mercia*, and *Northumberland* in favour of *Wilfrid* after his ſecond Depoſition, and Expulſion (written about the Year 704) charges that Archbiſhop *Brihtwald* call an *Engliſh* Synod in order to bring this Diſpute to an Iſſue: The Puniſhment with which he threatens the Biſhops in caſe they abſented themſelves from this Synod was Depoſition, ſo that they ſhould not be treated as Biſhops either here in *England*, or at *Rome*. I am inclined to think that the Crime being the ſame (if I may call it a Crime) the Puniſhment was the ſame too.

6. The Biſhop elevated with theſe Decrees, was alſo commanded by the Pope to take his Place among the [i] 150 Holy Biſhops, who were then engaged in the Council, againſt thoſe who declared for

[i] Here is a Miſtake in the Numbers; the *Roman* Synod conſiſted of 125 Biſhops only. And *Wilfrid*'s Name ſtands among them in the following Form, "I *Wilfrid*, "humble Biſhop of the Holy Church of *York*, in the "Iſland of *Britain*, Legate of the venerable Synod con-"ſtituted in *Britain*, do conſent, and ſubſcribe to this "Report Synodically made by us. (Act 4. Synod. 6. *in* "*Trullo*) If this Subſcription be genuine, it will call *Wilfrid*'s Sincerity into queſtion. For *Wilfrid* was ſo far from being a Legate from *Theodore*, and the other Biſhops in *England* at this time, that he was not in Communion with them. The *Popiſh* Writers to cover this, ſay, that *Wilfrid* being abſolved at *Rome*, *Theodore* was reconciled to him; but neither was *Wilfrid* abſolved, nor

nor was *Theodore* reconciled to him, as appears from what hath been said before. *Bede* says nothing of his being a Legate; but only that the Pope call'd him to the Council, and seeing him sit there, commanded him to declare the Faith of himself, and of the Province, or Island from which he came; and when he, and they were found to be Catholic in their Faith, this Entry was made in the Acts of the Synod, *viz. Wilfrid*, beloved of God, Bishop of the City of *York*, bringing his Cause to the Apostolical See by Appeal, and being by Authority thereof absolved from all things, certain or uncertain, (*which is more than was strictly true*) and seated among the other 125 Bishops, that had diffinitive Voices in Synod, did also confess the Catholick Faith for all the North Part of *Britain*, and the Isles of *Ireland*, inhabited by the Nations of the *English*, *British*, *Scots*, and *Picts*; and confirmed it with his Subscription. L. V. c. 20. *N. B.* by the *Synod constituted in Britain*, we are to understand the Archbishop, and his Comprovincial Bishops which is a Way of speaking, not uncommon in this Age.

for one only Operation in the two Natures of our Lord Jesus Christ. Afterward resolving to return, he escaped all Dangers thro' God's Protection, and arrived in his own Country: And obtaining Access to the King, tho' not without Difficulty, he shew'd him the sealed Decrees of the Apostolic [Pope]. He, when he had first caused them to be read to the Bishops of his own Faction, who were then in the Room with him, was so void of Reverence toward the *Roman* See, that he committed the Blessed *Pontiff* to a certain Reeve to be put into Gaol, after he had first stript him of whatever he had, and sent his Attendants some one Way, some another.

I have not room left me to relate at large how Wilfrid *being not admitted to any Share of his former Diocese, went, and preach'd Christianity among the* South-Saxons, *and became the first Bishop of* Seolsey, *how afterwards he converted the Inhabitants of the Isle of* Wight, *and ingratiated with the Court of* West-Saxony,

ony, *and at laſt had a See granted him by the King of* Mercia. *But after having paſs'd many Years in an unwilling Abſence from the Dioceſe of* York, Theodore, *when he was no longer* Theodore, *in the* 87th *Year of his Age, when he felt Death approaching, relented, and wrote to the young King of* Northumbria *in his Behalf: The King paid greater Deference to* Theodore's *Letter, than his Father did to the Pope's, and reſtored him to ſome Part of his former Dioceſe, but he was again depoſed in a Synod by* Brihtwald, Theodore's *Succeſſor, in the See of* Canterbury, *and again went to* Rome; *and after being heard in a Synod (in* 74 *Synods, ſay ſome, held within the Space of four Months) he obtain'd Pope* John *the Sixth's Letters, in his Behalf: and tho'* Brihtwald *was willing to have call'd a Synod, as the Pope directed, and to have determin'd the Cauſe, yet the King peremptorily declared againſt it. For he did not think fit to receive a Man to communion, who had been twice condemned by an* Engliſh *Synod: yet the King too in his laſt Sickneſs relented, as ſome of his Court afterwards atteſted, and* Wilfrid *at laſt died, after he had been Biſhop forty five Years, in Poſſeſſion of one Part of his quondam Dioceſe, and was buried in his Monaſtry of* Rippon: *And they made a kind of Saint of him. Archbiſhop* Odo *is ſaid to have removed his Bones to* Canterbury, *but his Northern Devotees affirm'd, that they had his Relicks, and that the Carkaſe, which* Odo *tranſlated to* Canterbury, *was that of* Wilfrid *the Second.*

Upon the whole it appears, that Wilfrid *was a Prelate inflam'd with a Zeal for propagating Chriſtianity, that led a Life free from groſs Immoralities, and was probably as popular as any Biſhop ever was, both with great, and ſmall, in the three Kingdoms of* Mercia, Weſt-Saxony, *and* South-Saxony; *and his Character might have been without Blemiſh, if either he himſelf had been a Metropolitan; or if he had not lived under ſuch Diſciplinarian Primates, as* Theo-

dore,

dore, *and* Brihtwald. *But he was impatient of a Superior, yet it is evident that Envy died with him. And he had Honours paid him not only in his own Country, but in all Parts of* England, *and even by the Succeſſors of theſe two Primates, who were moſt ſevere upon him while he was alive. And the* Monks *of* Peterburgh, *and* Nuns *of* Ely *contended which ſhould do him moſt Honour, for procuring their Papal Privileges, and Immunities. In one particular* Wilfrid *has been more lucky than moſt Men of his Character: For he has all the Hiſtorians on his ſide.* Bede *conſidered him as his former Biſhop, and uſed ſo much Tenderneſs toward him, as not to mention his oppoſing the Partition of his Dioceſe, or to take Notice of his being depoſed by* Theodore, *but ſeems to attribute his Deprivation wholly to the ſecular Force of King* Ecgfrid. Hiddius *was his Deacon, and treats him with ſuch Reſpect as was due from one of that Order to his Biſhop.* Malmſbury *very much favoured him, but has ſaid enough to juſtify* Theodore *and* Brihtwald. *It is to be lamented that* Theodore *and* Brihtwald *had no coevous Hiſtorian to ſet Matters in a full light.*

Having made mention of Pope John *the Sixth's Letter, I thought fit to give it my Reader entire. Sir* H.S. *gives it us twice; and in the firſt place, pag.* 179. *gives it the Date of* 685, *and aſcribes it to* John V. *who was then Pope: But the Letter is in both places the ſame, tho' the latter is the beſt Copy,* viz. *that in page* 204, *and there it is aſcribed to* John VII. *But whereas he dates it* 705, *this is ſomewhat too late, not only becauſe K.* Ealfrid, *one of thoſe to whom it was written, died this Year, but becauſe* Ethelred *the other King, to whom it was directed, went to* Rome, *and was ſhorn* Monk *there the Year before this, therfore I judge it to be* John's *the Sixth, who ſate from* 701. *to* 705. *This Letter I give my Reader only as Appendage to the foregoing Decrees concerning this Affair: and therfore do not alter the date on the running Title, leſt I ſhould make a* Hyſteron Proteron *in the Series of my Memorials.*

TO

TO the moſt eminent Lords *Ethelred*, King of the *Mercians*, and *Ealdfrid*, King of the *Deirans*, and *Bernicians*, Pope *John*. We rejoice at your religious Improvements, thro' God's cooperating Grace, while we diſcern in you a Fervour of the Faith, which ye received, and effectually retain from the preaching of the Prince of the Apoſtles, God illuminating your Minds: and we wiſh that your farther Improvement may enlarge our Joy. But an irreconcilable Diſſenſion of ſome affects our Soul; and we muſt reform it, that we may be found Obſervers, not Tranſgreſſors of the Apoſtolical Precepts. For long ſince under Pope *Agatho* of Apoſtolical Memory, when Biſhop *Wilfrid* had appealed to this See in his own Cauſe, and Accuſers came hither, being ſent by *Theodore*, Archbiſhop of the Holy Church of the *Kentiſh* People, (who was commanded thither from hence) and from [a] *Hilda* the Abbeſs of Religious Memory, Biſhops aſſembled here from divers Parts, did regularly examin, and determin the Affair, and the Succeſſors of the ſaid *Pontiff*, our Predeceſſors did perſiſt in that ſame Sentence. And neither is *Theodore* known to have oppoſed it: For he never afterwards order'd any farther Impeachments [of *Wilfrid*] hither. Now alſo the Accuſations of them, who came from *Britain* hither to oppoſe *Wilfrid*, and his Defence of himſelf, have by our Procurement been debated for ſeveral Days, in a Convention of moſt Reverend Biſhops, ſuch as were found here, both with relation to former, and later Letters, as alſo to what hath been offer'd by Word of Mouth from the [b] Parties, *Lat.*

[a] *Hilda* was of the Blood Royal, and had a Monaſtry of Men, as well as Women. Five Biſhops had their Education in it. She had a great Reputation for Knowledge in civil, as well as religious Matters, She was one of them who incenſed King *Ecgfrid* againſt *Wilfrid*; one Occaſion of her averſion to him was her Zeal for the *Britiſh Eaſter*. She died about the time of his firſt Return from *Rome*, *A. D.* 680.

[b] Parties, while yet the Principal Persons, concerning whom the Dispute first arose, have not here made their personal Appearance, without which the Dispute cannot be brought to an Issue. Therfore we admonish our Brother Archbishop *Brihtwald*, that he assemble a Synod together with *Wilfrid*, and there convene [c] *Bosa*, and *John*, and hear the Pleadings of the Parties, and consider what each side can make good against the other. And, if the Affair can be determin'd in that Synod, it will be pleasing to us; but if not, let him monish them to come to the Apostolical See, that what could not be determind before may be decided in a greater Synod. But let him know that who ever does not appear thro' Contempt, renders himself liable to Deposition, he being no longer to be taken for a Bishop, either here, or there. Let your royal Sublimity cause a Convention, that what we have providently intended thro' Christ's Assistance, may come to good Effect. But whoever, of what Quality soever, with an audacious Timerity stands in Contempt, shall not escape [d] Punishment from God, and being bound in Heaven shall not be indemnified.

[b] That is the Agents, or Solicitors on both sides.

[c] These were both of them *Monks* taken from *Hilda*'s Monastry, *Bosa* was put into the See of *York*, on *Wilfrid*'s first Deposition, *John* into the See of *Hagulstade*; or *Hexham* upon *Eate*'s Death; and afterwards into the See of *York*, during *Wilfrid*'s Life. This seems a violent Presumptive that our best, as well as wisest Men here in *Engl.* esteem'd *Wilfrid*'s Depolition to be just; otherwise *John* (afterwards S. *John* of *Beverly*) wou'd never have accepted two Sees in *Wilfrid*'s former Dioceſe, especially not his Capital See of *York*, while *Wilf.* was yet alive, and either in the *Mercian* See, or that of *Hexham*. *Bede* reports many Miracles don by this Bishop *John*, L. 5. c. 2, *&c.*

[d] King *Ealfrid*, says the Historian, opposing this papal Mandate died soon after. His Sister *Elfled*, who succeeded *Hilda* in her Abbacy, testified her Brother's Repentance before his Death: So *Wilfrid* recovered the See of *Hexham*, in the Synod held near the River *Nidde*.

A. D.

A. D. DCXCIII.

Eccleſiaſtical Laws of INE, King of the *Weſt-Saxons*, taken out of a Syſtem of Seventy-five Laws, made by the ſame King.

PREFACE.

KIng Ine *began his Reign over the* Weſt-Saxons, *in the Year* 688, Brihtwald *ſucceeded* Theodore *in the Archbiſhoprick of* Canterbury, *in the Year* 693, *after three Years Vacancy of the See: He excell'd his Predeceſſor only in one Point; it was, in being an* Engliſhman. *The following Laws of King* Ine *were made without the Preſence of any Archbiſhop, and therfore probably between the beginning of his Reign,* 688, *and the Conſecration of* Brihtwald, *which was in* July, 693. *The Archbiſhop wou'd have been ready to attend him, if the Council had been held in the next Year. But at preſent ther was another Obſtruction; ther had been a War between the Kings of* Weſt-Saxony *and* Kent, *from the Year* 687, *till* 694: *then* Wihtred, *King of* Kent, *purchaſed Peace of King* Ine, *with thirty thouſand Pound, (as ſome ſay) but it is not credible that ſuch a Sum could then be raiſed in ſo ſmall a Principality: Others ſay, with as many Marks; but neither can this be believed: It is more probable, that it was done with thirty Men, as*

Wheloc's *Edition of the* Saxon *Chronicle relates it; the Men of* Kent *had burn'd* Mull, *a Kinsman of King* Ine, *with twelve of his Companions, in the War; this enraged the* West-Saxons; *but* Wihtred *made Peace, by giving thirty of his Men for thirteen of theirs. It seems probable that* Ine *held his Council, in which these Laws were made, at the farthest, in the Year before the Peace; and before his going to* Rome, *and granting the* Peter-Pence, *for maintaining the* English *School at* Rome: *For Provision wou'd have been made in these Laws, for the levying of them, if the Grant had yet been made. If it had been in any following Year of* Ine's *Reign,* Brihtwald *would most probably have been there, either in Person, or by his Legate; for he outliv'd* Ine *three Years; and sate Archbishop the longest of any, I think, in this See, (I mean, above* 37 *Years) excepting* Ceolnoth.

A. D. DCXCIII.

Sax. Sir *H. S. Vol.* 1. *p.* 182.

I *Ine*, by the Gift of God, King of the *West-Saxons*, by the Advice of *Kenred* my Father, and [a] *Hedde* my Bishop, and with all mine [b] Aldermen, and the Senior Counsellors of my Nation, and also a large Assembly of the [c] Servants of God, have been consulting the Health of our Souls, and the Stability of our Reign, that Right

[a] He was the second Bishop of the *West-Saxons*; his See, *Winchester*.

[b] The Alderman was he, who had the chief Superintendence of any large Districts or City.

[c] The *Servants of God*, were the Abbots, Priors, and other Heads of Religious Houses. Indeed, all Monks and Regulars, often pass under this Character: And ther were few of the Clergy, that were not Monks, or Regulars. It is too early to look for Parish-Churches in *West-Saxony*; it was scarce 60 Years ago, that *Byrinus* first preach'd Christianity to them; and the Kings had not been steady in the Profession of their Religion.

Right [d] Law, and Right Royal Dooms, may be ſettled among our People. And they were confirmed ſo that no Alderman, nor any of our Subjects, were hereafter to alter theſe our Dooms.

[d] The old Latin, as well as *Lambard*, have turn'd æp *conjugium*. But ther is no Ground for this, excepting that an e is wanting at the end of the Word. The old Latin turns æ in the ſame manner, *Law* 1.

1. Firſt, we command all God's Servants, that they ſtudy their right Rule, and duly obſerve it: In the next Place, we command, That the Law, and Dooms be obſerved of all Folks.

2. Let a Child be baptized within thirty Nights: If it be otherwiſe, let [the Father] make Satisfaction with thirty Shillings. If it then die, without Baptiſm, let him make Satisfaction with all that he hath.

3. If a Slave work on the *Sunday*, by his Lord's Command, let him become a Freeman, and let the Lord pay thirty Shillings for a Mulct: But if the Slave work without his Lord's Privity, let him [e] forfeit his Hyde, or a Ranſome for it. If a Freeman work without his Lord's Command, let him forfeit his Freedom, or ſixty Shillings. Let a Prieſt be liable to double Puniſhment.

[e] That is, Let him be ſcourged. See *Law* 5. But it is ſuppoſed, tho' he might have Money to redeem his Hyde: Therfore *Engliſh* Slaves had their Property.

4. Let the [f] Church-Scot be paid by St. *Martin*'s-Maſs; if any one pay it not, let him be amerced forty Shillings, and pay the Church-Scot twelve-fold.

[f] By the 13th of theſe Laws, it will appear, that the Church-Scot was to be paid according to the Value of the Houſe in the which the Man lived at *Chriſtmas*, but

he had eleven Months, wanting one Fortnight, allow'd for Time of Payment, *viz.* from *December* 25. to *November* 11. (call'd *Martin-Maſs*) in the following Year. The *Rome-Peny* was the ſame to every Houſekeeper; but ther was a Difference in the Church-Scot; it ſhou'd ſeem, not according to the Wealth or Quality of the Perſon, but the Value of the Houſe in which he lived at *Chriſtmas*. It was commonly paid in Grain, or Seed, tho' ſometimes in Fowls. See *Cyric-Set* in *Spelman*. It was paid firſt to the Biſhop's Church, afterwards to the *Leſter* to which the Man reſorted for Divine Worſhip. We cannot doubt but Tithes were paid in *England*, at this Time, and before: *Boniface*, in the Year 693, was twenty Years of Age, (he was born 670) and he teſtifies, that Tithes were paid in the *Engliſh* Church, in his Letter to *Cuthbert*; and ther is Reaſon to believe, that they were paid freely and fully, or elſe this King, who made ſo ſevere a Law for paying the Church-Scot, wou'd have made a ſeverer for paying Tithes, as ſome Kings did, ſome hundred Years after this, when the Peoples firſt Fervors abated. The Church-Scot was a new Taxation, and therfore not readily paid: Tithes were from the beginning, and therfore paid without repining.

5. If any one be guilty of a capital Crime, and [g] flee to the Church, let him have his Life; but let him make Satisfaction, as Right directs. If any one forfeit his Hyde, and flee to the Church, let his Laſhes be forgiven him.

[g] Churches were Sanctuaries, where-ever Chriſtianity gained a Civil Eſtabliſhment; and ſince they were ſo here too, from thence it appears, that Men ſuffered Death for ſome Crimes, unleſs they got into Sanctuary; and that therfore pecuniary Mulcts were not accepted in all Caſes: Perhaps it was at the King's Diſcretion, whether the Criminal ſhou'd ſuffer Death, or pay the Mulct. See *Law* 6.

6. If one fight in the King's Houſe, let him forfeit all his Eſtate, and let the King deem, whether he ſhall have his Life, or not. If one fight

in

in a [h] Minſter, let him make Satisfaction with an hundred twenty Shillings. If one fight in the Houſe of an Alderman, or other Noble Counſellor, let him make Satisfaction with ſixty Shillings; and pay other ſixty Shillings for a Mulct. If one fight in the Houſe of a [i] Tenant, or a common Man, let him pay thirty Shillings for a Mulct, and ſix Shillings to the common Man. And if ther be a Fight in the open Field, let an hundred twenty Shillings be paid for a Mulct. If Men quarrel at their [k] common Table, and ſome patiently contain themſelves, let the other pay thirty Shilling for a Mulct.

[h] Here is no particular Mention of the Biſhop's Houſe, but it is comprehended under the general Name of a Minſter; becauſe all Biſhops, probably, in this Age, and Country, had their Habitations in the Monaſtery, or Religious Houſe belonging to the Cathedral Church.

[i] ȝeroligylœn, was, I conceive, he who held an Eſtate at a certain Rent, payable to the Lord.

[k] ȝebeorſcipe, ſignifies, the Freemen of the whole Tithing, or Borough. Our Anceſtors were in this Age, emerging out of the Savage Life: Every ten Families or thereabout, were Security for each other's good Behaviour; and therfore were obliged to eat and drink together, that they might often ſee each other, and that none might abſent themſelves from home upon unlawful Occaſions, without the Knowledge of his Neighbours. Every ſingle Man of the Tithing, or Gebeorſcipe, was call'd, *Gebur*, which I tranſlate, a common Man. The chief of them, who was Security for all the reſt, was the Borſholder, or Tithing-man. This was continued long after the Conqueſt. The *Normans* called the ten Men, *Franc Pledges*. We ſtill have our Tithings, or Boroughs, and our Tithing-men, or Borſholders.

7. If one falſify his Teſtimony, or his Faith, given in the [l] Biſhop's Preſence, let him make Satisfaction with an hundred twenty Shillings.

[l] This was one Reaſon for the Biſhop's ſitting on the Temporal Bench with the Alderman, *viz.* To tender ne-

ceſſary Oaths in the moſt ſolemn Manner; for the *Engliſh*, in this Age, were under the greateſt Awe of falſifying an Oath taken on the Biſhop's Hand, or on a Croſs holden in his Hand. Long after, the two Juriſdictions were entirely ſeparated, *Gerv. Dorob.* tells us, that difficult Cauſes, which cou'd not be determin'd in the King's Court, were decided by the Archbiſhop, at the *South-Door* of *Chriſt's Church, Canterbury*. I ſuppoſe, by this is meant, that it was left to the Archbiſhop to ſift out the Truth, in knotty temporal Cauſes, by a moſt ſolemn Oath adminiſtred by the Archbiſhop in Perſon. See *Somn. Gloſſ. verb. Suth-dure.*

8. If one buy a Slave, or Freeman of his own Nation, (tho' he be a Malefactor) and ſend him over Sea, let him pay his Weregeld, and make [a] deep Satisfaction to God.

[a] By this is meant ſevere Penance, to be inflicted by the Biſhop, and probably in Publick. This was another Reaſon why the Biſhop ſat with the Alderman, That he might condemn ſuch Criminals to Penance, as deſerved it. This, and the 9th and 10th *Law*, are not in Sir *H. S. N. B.* The Were, or Weregelt, was the Ranſom paid for Murder.

9. If a Man be charged with robbing in a [b] very large Gang, let him either pay his *Weregeld*, or make his Purgation. Half of them who take the Oath, ſhall be Frequenters of the Communion——

[b] This Law was too long to be inſerted at length: The *large Gang*, was any Number from 7 to 35. In this Caſe none were allowed to be Compurgators, but ſuch as were worth 120 Plow-lands. The *very large Gang*, was 35 in Number, or more. In this Caſe, half of the Compurgators were to be Frequenters of the Communion: From which it appears, that Mens Oaths were valu'd according to their Wealth; but that the Oath of one that frequented the Communion was laid higher than his, that was worth 120 Plow-lands. To the ſame Purpoſe, ſee *Law* 10.

10. A Bailiff of one of the King's Farms, if his Weregeld be laid at twelve hundred Shillings, and if he be a Frequenter of the Communion, his Oath ſhall be of as great Availment, as his that hath ſixty Plow-lands.

11. If a Foreigner be ſlain, let the King have two Shares of the Were, the Son, or Kindred, the third Share. If he he hath no Kindred, let the King have one half, the chief [of the murder'd Perſon] the other half. If [the chief] be an Abbot, or Abbeſs, let them in the ſame Manner ſhare with the King. If a Stranger be a Tenant, [he is laid] at an hundred twenty Shillings, his Son at an hundred, a Slave at 60 Shillings, ſome at 50; a Stranger's Hyde at eleven Shillings. A Stranger, if he hath five Plow-Lands, is eſteemed as one worth ſix hundred Shillings.

12. Satisfaction ſhall be made for breaking into the King's Houſe, with an hundred twenty Shilings, and [for breaking into] the Biſhop's, where his See is. [For breaking into] the Alderman's, with eighty Shillings; the [c] King's Thane's, with ſixty Shillings; the [d] commanding Officers in the Army, (he being Lord of the Soil) with five and thirty Shillings. And [they ſhall] make their Purgation [e] proportionably.

[c] The ſimple Thane was an inferior Nobleman; the King's Thane, one of thoſe who had an Office at Court.

[d] ȝeriþcunð-man. In the 53d of theſe Laws, a Fine is laid on a Man of this Title, or Character, if he leave the Army: and a greater Fine than on any other.

[e] That is, the Compurgators ſhall be proportionable to theſe Sums, in Number and Value. *Sed Quære.*

13. The Church-Scot ſhall be paid for the Roof, and Fire-hearth, where Men are at [f] Midwinter.

[f] That is, *Chriſtmas*-Day: The oppoſite Half Year Day is ſtill called, *Midſummer.*

14. If one kill another's Godſon, or Godfather, let the [g] Magbote [to the Godfather, or Godſon] and the [h] Manbote be alike. Let the Satisfaction increaſe in Proportion to the Were, as alſo the Manbote does, which is due to the Lord. If it be the King's Godſon, let him make the ſame Satisfaction (in Proportion to his Were) to the King, as to the Kindred. [i] If he were in Defiance with him, who ſlew him, then the Satisfaction to the Godfather fails in the ſame Manner that the Mulct to the Lord doth. If it be a [k] Biſhop's Son, let it be half as much.

[g] Mægbote was the Satisfaction due to the Family, for killing one of them.

[h] Manbote was the Satisfaction due to the Lord, for killing his Man: In ordinary Caſes this was but a ſixth or ſeventh of the Magbote.

[i] If the murder'd Perſon had committed a capital Crime, and yet ſtood, *vi & armis*, in his own Defence, and died in the Combat, no Satisfaction was due for him. Both the old Latin, and *Lambert*, ſay, *Si a parentela ipſius ſit, vel ſi vi a cognato, &c.* but I ſee no Reaſon for this. My Tranſlation here is verbal and clear.

[k] A Biſhop's Godſon.

A. D. [a] DCXCII.

King WIHTRED's Grant of Privileges.

THen *Wihtred* began his Reign over the Peo- *Sax.*
ple of *Kent*, and continued it thirty-three *Sax. Chr.*
Winters-------- As soon as he was King, he *p.* 48.
commanded a great Council to assemble, at a Place call'd [b] *Baccanceld: Wihtred*, King of the *Kentish* was there present, and *Brihtwald* Archbishop of *Canterbury*, and *Tobias* Bishop of *Rochester*, and the Abbots and Abbesses with them; and many wise Men were there assembled, to take Counsel together about the [c] Reparation of the Churches

[a] King *Wihtred* reign'd 33 Years, died, 725; therfore began his Reign 692. It is by Mistake placed in 694. See *Bede*, *l.* 5. *c.* 9.

[b] Now called *Bapchild*, near to *Sittingbourn*, on the *Canterbury* Side, being about Midway between the Coast of *Kent* and *London*, and therfore a very convenient Place for a *Kentish* Council. At this Place, not many Years since, were the visible Remains of two Chapels, standing very near to one another, on the right Hand of the Road from *Canterbury* to *Sittingbourn*; the present Church stands on the opposite Side at no great Distance from them. Dr. *Plott*, many Years since, observed to me, that this and other Circumstances, were good Presumptions, that this was the old *Baccanceld*, the Place for *Kentish* Councils. The old *Saxons* very often wrote a simple *c*, where we now write and pronounce *ch*.

[c] The Churches of *Kent* must have suffered very much in the late Wars with the *West-Saxons*.

Churches in *Kent*. Then the King began to [d] ſpeak, and he ſaid:

[d] The moſt proper Way for King *Wihtred* to make Grants, was to do it by the Word of his Royal Mouth; for he could not write: Which was the Misfortune alſo of *Charles* the Great. Ther is no doubt, but that this Grant of his was put into Writing, and that the Copy of it in the *Chron. Sax.* is (as to the main) true and genuine. Sir *H. S.* tells us of five Latin Copies of it: And great Objections have been raiſed againſt them; and they are certainly ſpurious, and do widely differ from each other. But I ſee no Reaſon to queſtion the Decrees of this Council, as they ſtand in the *Chron. Sax.* The Spelling is indeed like that of the *Daniſh* Age; but the Words and Phraſes are, ſo far as I can diſcern, truly antique. And if ancient Monuments are to be rejected for the Miſtakes of Tranſcribers, I know not what can remain unſuſpected. Here is a double Proof of its being originally written in true ancient *Saxonic*; I mean, there are two Sentences which deny with a double Negative: For the great Maſter of the *Saxonic* Tongue poſitively affirms, that the *Dane-Saxons* always deny with a ſingle Negative, *Sax. Gram. p.* 101. None, indeed, of our Hiſtorians mentions this Council. In truth, I cannot readily recollect any one ſingle Council, ſaid by any Hiſtorian to be held in *Kent*, exc pt, perhaps, accidentally, when a great Number of Biſhops have met at *Canterbury*, to conſecrate new ones, and then have treated together of ſome Eccleſiaſtical Affairs. But will any wiſe Man from thence conclude, that the Kings of *Kent* never held any Councils? *Bede*, from whom our other Hiſtorians tranſcribe the Memoirs of this Age, omits ſome Councils holden in his own Province, as appears from the ſeventh Anſwer of *Ecbyrht*, who will therfore wonder, if he omitted this in *Kent*? Moſt Monkiſh Forgeries had ſome Foundation in Fact. The Confirmation of the Liberties of the Church by *Wihtred*, was a Thing well known in his little Kingdom; but when they came to inſpect the Memorial of it, they found it wou'd not ſatisfy the *Normans*, for want of modern Form and Circumſtances, therfore they ſupplied this Defect out of their own wicked, dull Inventions.

1. My

1. My Will is, That all the Miniſters and Churches, that have been given and bequeathed to the Honour of God, in the Days of the Faithful Kings, my Predeceſſors, and in the Days of my Kindred, that is, *Ethelbyrht*, and his Succeſſors, do ſo remain to the Honour of God, and ſtand firm for ever and ever.

2. Whereas I *Wihtred*, an earthly King, incited by the King of Heaven, and inflam'd with a Spirit of Juſtice, being well inſtructed by our Forefathers, have learn'd, that no Layman ought of Right [e] to go to any Church, or any of the Poſſeſſions thereunto belonging, and to take free Quarters there, for himſelf, his Guards, or Retinue, or to demand any Tribute from it: Therfore we do firmly and faithfully conſtitute and decree, and in the Name of Almighty God and of all the Saints, we forbid all Kings our Succeſſors, and Aldermen, and all Laymen for ever, all Dominion over the Churches, and all Things belonging to them, which I, or my Anceſtors in former Time, have given for a perpetual Inheritance, to the Glory of Chriſt, and our Lady St. *Mary*, and the Apoſtles.

[e] See *Sax. Gram. p.* 13. Biſhop *Gibſon* turns it, *Seipſum immittere in quamvis Eccleſiam, &c.*

3. And when it happens that Biſhop or Abbot, or Abbeſs departs this Life, let it be notified to the Archbiſhop, and let ſuch an one as is worthy be choſen, with his Advice and Conſent; and let the Archbiſhop make Enquiry into the Life of the Man that ſhall be choſen into ſo ſublime an Office—— and into his Chaſtity. And let no Man in any wiſe be choſen or conſecrated into ſo ſublime an Office, without the Advice of the Archbiſhop. Kings ought to conſtitute Earls, and Aldermen, Reeves of Diſtricts, and Judges; and the Archbiſhop ought to inſtruct and govern God's

Con-

Congregation, and to chooſe and appoint [f] Biſhops, and Abbots, and Abbeſſes, and Prieſts, and Deacons, and to conſecrate and eſtabliſh them both with good Precepts and Examples, leſt any of God's Flock go aſtray and periſh.

[f] It may be ſaid, that *Wihtred* here preſcribes Laws to other Kingdoms; but in Truth, he only declares the ancient Right of Primates. Further, *Wihtred* had probably two Biſhops in his Kingdom, at *Rocheſter*, and St. *Martins*, near *Canterbury*: *Botred*, who ſubſcribes in the forged Latin Copies, might be Biſhop of St. *Martins*.

It was no unuſual Thing for great Men, once and again to renew the Privileges, or Charters, which they made to Churches: Ther is, in Sir H. S. p. 198, *another Confirmation of the Liberties of the Monaſteries, and Churches in* Kent; *I dare not affirm it to be genuine; nor does Sir* H. S. *inform us whence he had it, but it is ſaid to have been made in the eighth Year of* Wihtred's *Reign, which was* 700, *at* Cilling, *that is, I ſuppoſe,* Feverſham. *Tho' I do not conſider it as genuine, yet I may have Leave to ſhew my Reader how the Liberties of the* Kentiſh *Churches were then expreſt, or, which is the ſame Thing, how the Word* onytingan, *about which our* Saxoniſts *differ, was underſtood, by thoſe who drew this Inſtrument,* viz. That the Churches and Monaſteries be free from all publick Exactions of Tribute, and from all Damage and Hurt, from this preſent Day. *See Note* [c] *above.*

A. D.

A. D. DCXCVI.

King WIHTRED'S Dooms Eccleſiaſtical.

PREFACE.

THE *following Laws of King* Wihtred, *have ſo many Marks of genuine Antiquity, and the whole Texture of them is ſo agreeable to the Simplicity of this Age, and the Style ſo truly Saxonic, that a Monk of the Tenth or Eleventh Century might as well be ſuſpected of falſifying in* Hebrew *or* Arabic, *as in the Language in which theſe Laws are written. But it is objected, That the Acts, or Preface, make theſe Laws to have been compiled in the Fifth Year of this King's Reign, and the* firſt Indiction. *I anſwer, No; this is the Miſtake of Sir* H. S. *or of his Friend* Liſle. *The* Saxon *Preface ſays expreſly, it was* the ninth Indiction: *But it has been aſſerted, that the fifth of this King's Reign falls in with the Tenth Indiction. This can by no means be allowed; for if the Year 692 was the firſt of his Reign, (for which ſee* Bed. l. 5. c. 9.) *then 696 muſt be the fifth: And I ſuppoſe no one will diſpute but 696 was the Ninth Indiction. Sir* H. S. *by Miſtake plac'd it in 697, forgetting that* Wihtred *coming to the Throne of* Kent, *in the beginning of the Year 692, or however, before* July, *therfore 692 ought to be reckon'd for one Year of his Reign. But Exceptions have been made againſt the Title here given to* Brihtwald, *viz.* High, *or* Chief Biſhop of Britain. *But ſure it cannot be thought unreaſonable, that*

that he ſhould be called the High *or* Chief Biſhop, *becauſe he really was ſo. As to the other Point,* Biſhop of Britain, *it was the Style of his immediate Predeceſſor* Theodore, *in the Council of* Hatfield, Bed. l. 4. c. 17. *and the Province of* York *was ſubject to* Brihtwald, *as well as* Theodore. *It is true,* Gibmund's *Name is put for* Tobias, *then Biſhop of* Rocheſter; *and this was a Blunder of the Scribe, and I wiſh ther were no more Errors than this, eſpecially in the Spelling. But if the wrong Name of a Biſhop were ſufficient to invalidate or diſcredit any publick Act,* Magna Charta *it ſelf muſt be condemned as ſpurious; for all the publiſh'd Copies of it bear* His Teſtibus Bonifacio, Cant. Archieſcopo, 1224; *yet it is notorious, that* Magna Charta *was firſt ſolemnly paſs'd in Parliament, in the ninth Year of* Henry III. A. D. 1224. *and then it is as notorious, that* Stephen Langton *ſate Archbiſhop. Ther is one Difficulty in the Acts, or Preface, which it is here proper to mention, I mean, that the Council is in the* Textus Roffenſis *ſaid to have met on the ſixth Day of* Rugernes, *or* Augernes; *Sir* H. S. *could not certainly ſay, whether the firſt Letter was* A, *or* R. *I preſume the Copy from which the Tranſcriber wrote it into the* Text. Roff. *had* Ernes *only, which was the known Name of the Month* Auguſt, *in the ancient* French, (*ſave that the firſt Letter of it was* A *in their Orthography:*) *And the* Kentiſh *People may be reaſonably preſum'd to have borrow'd this Word from their next Neighbours beyond Sea, as well as ſeveral others. But the Scribe was going to put down* Auguſt, *as being the more familiar Name of that Month, in the Age when the Tranſcript was made,* (viz. *in the Reign of* Henry I.) *yet upon Recollection he reſolv'd to follow his Copy, and ſo ſtruck out ſo much as he had written of the Name* Auguſt, *tho' not ſo perfectly as to render it wholly illegible, and wrote* Ernes: *Perhaps he reſolved to inſert both Names; the one by Abbreviation, the other*

ther at large, that one might explain the other. Our Misfortune is, that ther is only a ſingle MS. Copy of theſe Laws; and that was very careleſly publiſh'd by Sir H. S. *but Mr.* Somner's *Corrections have cleared ſeveral Difficulties. It may ſeem ſtrange, that theſe Laws of King* Wihtred *ſhould have a more formal Preface, and the Time and Place more preciſely ſpecified, and the Perſons of which the Council conſiſted more expreſly mention'd, than ſeveral other Sets or Syſtems of Laws in the following Ages; but it is to be remembred, that many of Archbiſhop* Theodore's *Scholars were yet alive, and to them we owe this Exactneſs.* Theodore *himſelf had not been ſeven Years dead, at the Time of this Council.*

A. D. DCXCVI.

THeſe are the Dooms of *Wihtred,* King of the *Kentiſh.* *Sax.* Sir *H. S.* *Vol.* I. *p.* 194.

[a] When *Wihtred,* the moſt clement King of the *Kentiſh,* bare Rule, in the fifth Year of his Reign, in the ninth Indiction, on the ſixth Day of *Auguſt,* at a Place called [b] *Berghamſted,* a conciliary Congreſs of Great Men was aſſembled: There was *Brihtwald,* chief Biſhop of *Britain,* and the King before named; and alſo the Biſhop of *Rocheſter,* the ſame was named [c] *Gilmund*; every Order of the Church in that Nation, of the ſame Mind

[a] *N. B.* Mr. *Somner*'s Emendations of Sir *H. S.*'s Text, in the Acts or Preface of this Council, are as follows, *viz.* ȝeþeahtenðlice, for ȝeh-----, æ næmða for æþnæm þa, þæt hatzen for þæt hatzen. Further, I take ⁊ þanð, as one Word, and to ſignify *preſent.* Mr. *S.* alſo read anmo^dlice for acmo^dlice.

[b] Perhaps, now *Burſted,* or *Barſted,* near *Maidſtone,* the preſent Aſſize-Town.

[c] *Tobias.* See my Preface to this Council.

Mind with the People [d] ſubject to them, were preſent, and treated. And there the Great Men deviſed theſe Dooms with the [e] Conſent of all, and made Additions to the Righteous Uſages of the *Kentiſh*, as it is hereunder ſaid and declared.

[d] *Sax.* þeoꝛuman, which never ſignifies *Military*, as Sir *H. S.* here renders it; but perpetually *conformable*, *obedient*, *ſubject*, or the like.

[e] It is ſufficiently plain, that the People in this Council had conſultive, and even concluſive Voices: And this ſeems but reaſonable, if it be conſidered how much their Property was affected by the firſt Words of the firſt Law. The King had before granted this Privilege to the Church; but he and the Clergy too might ſee juſt Occaſion to take the Conſent of the People to ſo extraordinary an Immunity: And pious King *Wihtred* thought by this Means to perpetuate his Generoſity to the Church.

1. [f] A Freedom from Taxes belongs to the Church; and let Men pray for the King, and honour him of their own Accord, without any compulſory Law.

[f] Mr. *S.* here deletes the .·. between e and a in Cipicean, and by Conjecture reads ȝaꝛol ah, for ȝaꝛola, therfore he thus underſtood this Sentence, *Let the Church have an Immunity from Taxes.* Mr. *S.* alſo read peoꝛþiȝen, not he----

2. [g] Let the Protection of the Church, and alſo of the King, be Fifty Shillings.

[g] That is, Let the Penalty for Breach of Protection be Fifty Shillings, in both Caſes. King *Ethelbert* required as much more for Breach of the Church's Peace, or Protection, as for Breach of his own. But by one hundred Years Experience, this was found unreaſonable. The moſt common Breach of the Church's Protection was by drawing Malefactors from Sanctuary: And certainly this was a Grievance to the Nation, that Criminals ſhould be ſhelter'd by the Church.

3. Let

3. [h] Let Whoremaſters betake themſelves to right Life, with Penance for their Sins; or elſe let them be ſeparated from [i] Communion, [k] without Eccleſiaſtical Purgation.

[h] Uncleanneſs was always one principal Subject of Church-Diſcipline, eſpecially here in *England:* And it is obſervable, that the whole *Kentiſh* Nation here conſents, that Uncleanneſs be puniſh'd by both Juriſdictions, Spiritual, and Temporal. See *Law* 6.

[i] Mr. *S.* read ȝemanan, not ȝenam— Sir *H. S.* read hneoꝑe, tho' his printed Text has —oꝑe, as likewiſe in many other Places.

[k] That is, either without allowing him Purgation, the Law being meant of notorious Whoremaſters, or elſe the Meaning is, that he ſhall be Excommunicated, unleſs he can by Law purge himſelf; to which latter Senſe the Saxon oꝑ, here inclines me. However, by this it ſeems plain, that Purgation of any Crime, by the Oath of the accuſed Party, and his Compurgators, is as ancient as Eccleſiaſtical Juriſdiction itſelf, within this Kingdom. It is mention'd in the Laws of *Lothere* and *Eadric*, Kings of *Kent*, four or five Times; and tho' thoſe Laws are all Temporal, and the Purgation there mentioned be in Relation to Temporal Matters; yet the Oaths were to be made at the Altar, by *Law* 16. The taking away this Purgation has rendred Diſcipline impracticable.

4. [l] If Foreigners will not reform their Filthineſs, let them, with their Goods and Sins, depart out of the Land; [m] ſo that the Church-men among the People ſuffer the Loſs of Communion [a] without being baniſh'd.

[l] Mr. *S.* here read mæn for mæꝺ, ꝑꝑa for ꝑꝑæ.

[m] Here, perhaps, I have too cloſely follow'd Mr. *S.*'s Emendation. Let me have leave to ſuppoſe, that Sir *H. S.* read juſtly, ſave that he made ꝑꝑæꝛe, two Words, when it ſhou'd be but one; (and this is very uſual in his Text) then the Tranſlation is clearly thus, *Let the complaiſant Churchmen among the People*, &c. as in the Text. By *complaiſant Churchmen among the People*, they meant, probably, ſecular Clergymen, as they were

afterwards called, who lived among the People, not in Monasteries, as the Regulars did, but had too much of the Gallant in them, so as to be infamous for their vicious Amours, *C. Cloves-hoo*, 747. 9. The Law exempts these from the Penalty of Banishment, tho' they were Foreigners, because ther was probably a Scarcity of Clergymen at this Time.

[a] ungeryhoþyne, literally, *Unbanisht.*

5. If it hereafter happen, that a [b] commanding Officer in the Army engage himself in an unrighteous Copulation, in Contempt of this [c] Gemote, contrary to the Command [d] of the King, and the Bishop, and the [e] *Doom-Book*, let him make Satisfaction for it to his Lord, with an hundred Shillings, [f] an ancient Right.

[b] See Law of *Ine* 12.

[c] All authoritative Assemblies were so call'd.

[d] Mr. *S.* read Cyningar. But it seems a Mistake of his, or of *Text. Roff.*

[e] The *Doom-Book* contain'd all the Laws, Penalties, and Dooms then in Force.

[f] *Pro more Somner.* You have this Expression in the 12th Law of *Lothere*, and *Eadric*, tho' in another Case. And it is not uncommon in ancient Monuments, yet Sir *H. S.* omits it in his Translation. By this it shou'd seem they had older Laws to this purpose.

6. If it be a common Man, let him make Satisfaction with fifty Shillings: And let [g] each of them desist from Uncleanness, with Penance.

[g] Or, *notwithstanding this.*

7. [h] If a Priest [i] connive at unrighteous Copulation, or neglect baptizing of the Infirm; or be so

[h] Mr. *S.* has justly deleted Sir *H. S.*'s Translation of this Law entirely; and he read Bircoper bom, for hir coper—

[i] Mr. *S.* says, *Si Sacerdos a fcortationibus non abstinuerit*, taking læp in the Sense of *leaving*, or *abstaining*

ing, and ſupplying na, which laſt I thought too bold for my Imitation. I rather take læþ in the Senſe of *tolerating*, *giving leave*, or *conniving at*. By this, and other Evidences, it appears, that Prieſts were of Old eſteem'd to be under an Obligation to preſent Offenders to the Biſhop, as Church-wardens are now. Yet perhaps læþ, may ſtand for leoþ: *If the Prieſt love unrighteous*, &c.

ſo drunk, that he cannot [do it] let him deſiſt from his Miniſtration, for ſo long a Time as the Biſhop's Doom [requires.]

8. If a [a] ſhorn Man irregularly wander about, Entertainment may be given him for once; [b] and let it not be that he be entertained for any long Time, unleſs he have a Licenſe.

[a] That is, A Monk: Yet all Clergymen were ſhorn, tho' not in ſo ample Manner as Monks.

[b] Mr. *S.* read hæbbe, not nabbe, as Sir *H. S.* yet unleſs the *Text. Roff.* be very clear for Mr. *S.*'s reading, I ſhou'd rather chuſe Sir *H. S.*'s, and turn this laſt Clauſe thus, *and that not without Pay. Let him not have Permiſſion to be entertained for a long Time.* ȝeþeoþþe buton, I tranſlate, *without Pay.*

9. [c] If a Man give Freedom to a Slave at the Altar, let the Family be free; let him take his Liberty, [d] have his Goods, and a [e] Weregeld, and Protection for all that belong to his Family [f] tho' out of Bounds where he pleaſeth.

[c] Mr. *S.* read ꝥie for ꝥic, in the firſt Clauſe, and ænde for ænꝥe. This laſt may be taken either as a Termination of eꝥꝥ, or for ꝥ; and however you order it, the Senſe of the Law is little affected by it.

[d] It is ſaid, ther never were any Slaves in *Kent*, before the Conqueſt: This Law is a Proof of the contrary. Yet it ſeems to ſhew at the ſame Time, that ther were no Slaves, but what, during Servitude, had a kind of Property of their own, which was made more independent by their Manumiſſion.

[e] The Lord, or Master, had the Weregeld due to the Slave, or any of his Family, during Servitude; upon Manumission it became their own.

[f] Slaves were confin'd within the Bounds of the Manor, to which they belong'd. Freemen were under the King's Protection, while they travel'd at Discretion on the Highway.

10. [g] If one that is a Slave does work at his Master's Command on the [h] *Sunday* Evening, after the going down of the Sun, till before the going down of the Sun on *Monday* Evening, let the Master make Satisfaction with eighty Shillings.

[g] Mr. *S.* read ęrne for ęrhe, hæȝe for hæþe, ȝe ðnihtne for ðe ðn——

[h] 'Tis obvious to observe, that *Sunday Evening*, here signifies what we now call *Saturday* Evening, and *Monday* Evening what we now call *Sunday* Evening; and this is according to the Scripture Account; *For the Evening and the Morning were the first Day*, &c.

11. [i] If a Slave on this Day doth [work] of his own Accord, let him make Satisfaction for it with his Master, with six Shillings, or with his Hyde.

[i] Mr. *S.* here read, þæȝ for þæȝ, and turns ðeþ hiȝ þaðe, *proprio motu id fecerit*, in both which I follow him. Sir *H. S.* translates the Phrase last mention'd, *itineraverit*. See this Phrase again, *Law.* 16.

12. If a Free [k] Servant [do this] at the Time forbidden, let him incur the Penalty of the [l] Healsfang; and let the Man [m] who apprehends him, have the Mulct and the Work.

[k] I read þeoȝ for þonne. And if this Reading be not allow'd, and þonne be a mere Expletive, yet this must, I conceive, be the Sense of the Law.

[l] I retain the Original Word, because the Sense of it is not certain. It is certain that it signifies a Neck-catch; but whether a Pillory, which a Man might suffer without Diminution of his Freedom; or a Collar, which was the

the Badge of perpetual Slavery, is not ſo certain; but I incline to the latter. Loſs of Freedom was a frequent Puniſhment among the *Saxons*; and this was the Puniſhment aſſigned to the Breach of the Lord's-Day. See *Law Ine* 3. to which *Somner* here refers, which ſhews that he was of the ſame Opinion. See alſo *Law* 15. below, and my Note upon it.

[m] *Qui fundi Dominus fuerit*, ſays Mr. *S.* but I rather chooſe to read ꝑæꝛꝛe, as one Word, as Sir *H. S.* did, if we may judge by his Tranſlation. Further, I read ꝑeoꝛc, not ꝑeoꝛe, and I ſuppoſe this Sentence to refer to the three foregoing Laws. See *Law* 15.

13. If a Husband, without the Knowledge of his Wife, make an Offering to a Devil, let him incur the Loſs of all his Poſſeſſions, and alſo the Heals-fang. If both make an Offering to a Devil, let her incur the Heals-fang, and [the Loſs of] all her Poſſeſſions.

14. If a Slave make an Offering to a Devil, let him make Satisfaction with ſix Shillings, or with his Hyde.

15. [a] If a Man give Fleſh to his Servants on a Faſting-day, [b] let him redeem [himſelf from] the Heals-fang, by making his Servant free.

[a] Mr. *S.* read, ꝑꝛiȝe for ȝꝛiȝne, and hypum for heoꝑum, or ꝑe— This laſt makes little or no odds.

[b] Sir *H. S.* omits healſ-ꝑanȝ alyꝛe, in his Tranſlation. Mr. *S.* turns this Clauſe, *Servus liber exeat*, [*herus*] *pretio colleſtrigii id redimat.* But this inflicts a double Puniſhment on the Maſter, which was more than was done for Breach of the Lord's Day, *Law* 10. But what is intimated in Mr. *Somner*'s Tranſlation, *viz.* That the Heals-fang often denotes the known Price for buying off that Puniſhment, is certainly true. The ſettled Mulct in this Caſe, was, I think, ſixty Shillings: This explains *Law* 12. The Mulct there mention'd, and whereof he that apprehended the Offender was to have half, ſeems plainly to have been the Money paid for buying off the Heals-fang.

16. If the Servant eat [Fleſh] of his own accord, [let him forfeit] ſix Shillings, or his Hyde.

17. Let the Biſhop's Word, and the King's, be valid, without an Oath.

18. [c] Let the Senior of a Monaſtery vouch for himſelf, with the Vouchment of a Prieſt. Let the Prieſt purge himſelf by his own Veracity, by ſaying thus in his Holy Veſtment, before the Altar, *I ſay the Truth in Chriſt, I lie not.* Let the Deacon purge himſelf in the ſame Manner.

[c] By this it appears, that all Heads of Monaſteries were not Prieſts. See *Anſw. of Ecgb.* 7. 11, &c. 740. and *Can. of Cloves-hoo*, 5. 747. This is to be underſtood of Heads of Monaſteries, and Prieſts charged with any Crime. See *Law* 3. above.

19. Let the Clerk purge himſelf with four of his Equals, and one with his Hand on the Altar, the other ſtanding by to [d] bow at the Oath.

[d] *Sax.* abycgan q abigan, or abugan, they bowed, or ſtood in a devout Poſture, to ſhew that they joined in the Oath.

20. Let the [e] Earl purge himſelf by his own Oath on the Altar, as likewiſe the King's Thane.

[e] I have ventur'd here to put ȝeriþ for ȝeſt. Not but that *Gueſts*, or *Strangers*, were by other old Laws permitted to purge themſelves by their own Oaths, but becauſe the Perſon to whom this Privilege was granted, is here placed before the King's Thane; whereas when the Laws grant this Privilege to Strangers, the Cauſe of it is hinted, *viz.* That they were poor and friendleſs.

21. Let the common Man [purge] himſelf by four of his [f] Equals, at the [g] Altar, and let the Oath of all theſe be valid. [h] Then is Eccleſiaſtical Vouchment right.

[f] heaſoð-ȝemacan, Sir *H. S.* turns, here and *L.* 19. *deniſſo capite*, by Miſtake.

[g] My Reader will obſerve, that all theſe Oaths of Purgation

gation were made by laying Hands on the Altar; they obſerv'd the like Form in taking Oaths concerning Temporal Matters of Moment, and therfore even in their greateſt Courts of Judicature, they did not always abſolutely determine Matters; but left them to be decided by the Oaths to be taken at the Altar of the Biſhop's Church, or at ſome other Great Monaſtery. The Church of *Canterbury* being the chief, therfore *Gerv. Doroh.* ſays, that there the Archbiſhop determin'd ſuch Controverſies, as could not be decided in the King's Court. See *Somn. Gloſſ. Suth-dure*; and *Diſter's Epiſt. p.* 80. Sir *H. S.*'s *Counc. Vol.* 1. *p.* 334, 335. The Privilege of giving ſuch Oaths, was ſometimes granted to Monaſteries, by Royal Favour.

[h] Mr. *S.* had reſtored theſe Words to this Law, whereas Sir *H. S.* prefixes them to the 22. but Mr. *S.* deletes what he had written to this Purpoſe.

22. If a Man impeach a Servant of the Biſhop, or of the King, [i] let him purge himſelf at the Reeves Hand; or let the Reeve purge him, or deliver him to be ſcourged.

[i] Mr. *S.* tranſlates this, *in manum præpoſiti eum deducat*; but cænne, certainly ſignifies to vouch, or purge by Oath, in all theſe Laws; therfore either the Reeve (that is, the Steward) was to adminiſter to the Servant the Oath of Purgation, by cauſing the Servant to ſwear with his Hand laid upon his own, or, which is more probable, to be his Compurgator, by laying his Hand on the Altar together with the Servant; tho' by what follows it appears, that the Reeve's Oath alone was ſufficient. But by this, and the 24th Law, it ſhould ſeem, that Servants were not allow'd to be Compurgators to each other. Here again, Mr. *S.* croſſes out Sir *H. S.*'s Tranſlation.

23. [k] If one impeach a Servant of God, being a Man of their own Convent, let his Lord purge

 him

[k] Mr. *S.* read Ꝺoꝺer þeoꝛne, not Ꝺeꝺer þeuꝛne, as Sir *H. S.* maþe is to be read in aþe.

him upon his ſingle Oath, if he be a [a] Communicant: If he be not a Communicant, let him have another good Voucher with him, at [taking] the Oath: Elſe let him deliver him to be ſcourged.

[a] Mr. *S.* turns hurl-- ȝenȝa, *Pater familias:* But he croſſed it out again, when he was better informed. See the next Note. æþða is uſed in the Laws of *Lothere* and *Eadric*, for a Voucher or Compurgator.

24. If a common Man's Servant impeach the Servant of an Eccleſiaſtic, or an Eccleſiaſtic's Servant the Servant of a common Man, [b] let his Maſter purge him upon his Oath.

[b] It can't be ſuppoſed, that a Servant ſhou'd have the Privilege of a Prieſt, or a Thane, that is, to be purged by his own Oath; therfore I conceive it was the Maſter's Oath by which the Servant was to be purged; and by Parity of Reaſon in the foregoing Law, the Monk, *tho' a Servant of God*, was not to be purged upon his own Oath, but by the Oath of his Abbot. And perhaps all Abbots that were Laymen were not Communicants.

25. [c] If a Layman be ſlain in [committing] Theft, let him lie without a Weregeld.

[c] Here I follow Mr. *S.* and the Words ſeem uncapable of any other Senſe.

26. If a Freeman be taken with ſtolen Goods upon him, then let the King command one of theſe three Things; either that he be put to Death, or ſold beyond Sea, or ranſom'd for his Weregeld. Let him that takes, and [d] overpowers him, have half [the Value of] him: If [e] he be killed, let ſeventy Shillings be paid [f] them.

[d] Mr. *S.* read ȝeȝange, but ȝeȝange ſeems the moſt appoſite Word; yet the Difference is not great.

[e] *Comprehenſor*, the Thief-taker, ſays Mr. *S.*

[f] *Viz.* The ſurviving Relations, or Family of him that is ſlain.

27. If

27. If a Slave ſteal, [g] he may be ranſom'd for Seventy Shillings, [h] or ſold beyond Sea, whitherſoever the King will. If he be ſlain, let half [the Value] of him be paid to the Owner.

[g] ⁊ here ſeems perfectly ſuperfluous, or elſe it may be turn'd, *yet*. Read twice him mon, for himan.

[h] Sir *H. S.* hath omitted the following Words in his Text, *viz.* oþþe oꝛeꝑ ðæ ꝛelle, which Mr. *S.* hath ſupply'd.

28. If a Far-comer, or Stranger, go out of the Road, and neither ſcream, nor [i] blow a Horn, he is to be [k] condemned for a Thief, either to be put to Death, or ranſomed.

[i] Blaꝛe, *Somn.* not blaþ.

[k] *Sax.* ꝥo ꝓꝛoꝛian, which Mr. *S.* thus explains, *pro fure* (*id eſt ut furti ſuſpectus*) *in quæſtionem vocandus, vel furti arguendus eſt*; and deleting Sir *H. S.*'s *relegandus* (as he in Juſtice did) he inſtead thereof ſays, *redimendus, vid. Leg. Ine* 20. *abſolvendus liberandus, ſecundum negotii eventum, vel pro quæſtionis exitu.* But I take the Words of the Law to be peremptory, that the Traveller, for this Omiſſion, is to be proved, convicted, or condemned as a Thief.

N. B. This, and ſome other Laws, are indeed meerly Temporal; but becauſe the main of them were concerning the Church, and Religion, therfore I was willing not to part theſe few Civil Laws, from their old Company, and have given my Reader the whole Body of them. And tho' I can't anſwer for the Exactneſs of the Tranſlation as to every Punctilio; yet I may dare preſume to ſay, That as to the main, the Reader has the Senſe of the Law-makers. Our Countryman Mr. *Lambard*, who firſt publiſhed the other Saxon Laws, yet never attempted the moſt ancient of them, and thoſe which were firſt made for the Government of his own native Province, and *quondam* Kingdom; or if he did attempt it, yet never perfected his Enterpriſe. Sir *H. S.* publiſhed theſe Laws of *Wihtred*, and three of King *Ethelbert*'s. *Laet* of *Antwerp* tranſlated all the 89 Laws of *Ethelbert*, and the 16 of *Lothere* and *Eadric*, which were publiſh'd by

Dr.

Dr. *Hicks*, in his *Dissert. Epist.* from a Copy belonging to the Right Reverend the present Bishop of *Lincoln*. I wish the Possessor of them wou'd give us a more perfect Translation than that of *Laet:* No Man can do it better. I thought fit to give these Laws of *Wihtred* an *English* Version, and insert them in this Place, as being a very notable Specimen of the Piety of our Ancestors, when they were first growing into Civil Life.

A. D. DCCXXV.

Laws of Satisfaction, for Violation of Orders.

PREFACE.

After the Laws of Wihtred, *in the* Text. Roff. *stand these Rules for Satisfaction to be made by those who violated Holy Orders, by killing or laying violent Hands on Clergy-men; by which it seems probable, that* Ernulf, *who was the Compiler of that* Textus, *took it for a Work of this Age. I am sensible that* John Brompton, *and others, place these Rules after the Laws of King* Ethelstan, *in the Tenth Century: And it is probable that they might then be re-enacted, and that they were the* English *Law in Cases relating to this Subject, till the Pope took the Affair into his own Hands, in the Tenth or the Eleventh Century. They might be made in the Council of* Berghamsted, *tho' not, perhaps, on the same Day, or Session, that the other were; or they might be made in some of the following Years of* Wihtred's *Reign, and afterwards be received in other of the* English-Saxon *Kingdoms, by the Influence of* Brihtwald, *or his Successors*

ceſſors in the See of Canterbury, *and at laſt by the whole united Kingdom of* England. *However, for want of a certain Date, and to diſtinguiſh them from all other Laws and Conſtitutions, I place them in the laſt Year of King* Wihtred, viz.

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THE Gifts of the Holy Spirit are ſevenfold, *Sax.* and ther are ſeven Steps of Eccleſiaſtical Degrees, or of Holy Orders, and God's Servants ought ſeven times every Day to praiſe God in the Church, and earneſtly to interceed for all Chriſtian People, and it does in ſtrict Juſtice [a] concern all the Friends of God, that [b] they love and honour God's Church, and to give Peace and Protection to God's Servants; and let him [c] who hurts them in Word or Deed, with Diligence make Satisfaction ſevenfold, in Proportion to the Deed, and according to the Order [of the injured Perſon] if he deſires to merit God's Mercy.

[a] Mr. *S.* here expreſly alledges the *Text. Roff.* and corrects ȝebnȝeþ, by writing ȝebineþ.

[b] hẏ, not bẏ.

[c] þe, not þe.

1. For whatever is conſecrated, Orders, [d] and God's hallow'd Houſe, ought diligently to be honour'd, for the Fear of God. And if ther be [e] Loſs of Life,

[d] Sir *H. S.* puts the foregoing Words of this Paragraph to the End of the former: Mr. *S.* rectifies this, and for ainan, read, man.

[e] It is to be obſerved, that the Weregeld for the Prieſt, or Clerk, was originally according to his Birth, without any Regard to his Order; now to make ſome Difference between the Murder of one in Orders, and of a common Man, theſe Rules were provided:

1. The firſt Order was that of the Oſtiary: 1 *l.* over and above the Weregeld, was to be paid for the Murder of him.

Life, then let Satisfaction be made with one Pound, for [the Violation of] Orders in the firſt Degree, over and above the Weregeld [of the Perſon murdered] and let the Matter be compounded with Religious Satisfaction.

2. And let two Pounds be paid as Satisfaction for violating Orders in the ſecond Degree, if there be Loſs of [f] Life, over and above the [g] Weregeld, together with Religious Shrift.

2. The ſecond Order was that of the Lector: 2 *l.* was to be paid for his Murder, over and above the Weregeld.

[f] Mr. *S.* read ꝑeoꝑh, not ---oꝑꝑ.

[g] And ꝑeꝑe æꝺ ꝑam, not æꝺ ꝼæꝛ ꝑam.

3. And if it be a full Violation of Orders in the third Degree, let the Satisfaction be three Pound, over and above the Weregeld, beſide [h] Religious Shrift.

3. The third Order was that of the Exorciſt: 3 *l.* was to be paid for his Murder, over and above his Weregeld,

[h] M. *S.* read, mıꝺ ꝺoꝺcunꝺan, not unȝoꝺc----

4. And if it be a full Violation of Orders in the fourth Degree, four Pound, over and above the Weregeld, [i] [beſide Religious Shrift.]

4. The fourth Order was, that of the Acolyth, for whoſe Murder 4 *l.* was to be paid, *&c.*

[i] This is omitted in the *Saxon*, but is in the Latin, and Analogy requires it.

5. And if it be a full Violation of Orders in the fifth Degree, five Pound, beſide Religious Shrift.

5. The fifth Order was that of the Sub-Deacon: For whoſe Murder 5 *l. &c.*

6. And

6. And if it be a full Violation of Orders in the ſixth Degree, let it be ſix Pound Satisfaction, beſide Religious Shrift.

6. The ſixth Order was that of the Deacon, for whom 6*l. &c.*

7. And if it be a full Violation of Orders in the ſeventh Degree, let it be ſeven Pound Satisfaction, beſide Religious Shrift.

7. The ſeventh Order was that of the Prieſt: For whom 7*l. &c.* If a Biſhop were murder'd, the Caſe was ſingular, and the Mulct, Penance, or other Puniſhment, was determin'd by publick Conſultation.

And when Orders are violated in part only, let diligent Satisfaction be made in Proportion to the Fact. Juſt Doom muſt be according to the Fact, and [a] Moderation, according to the Condition [of the Offender] [b] both in Regard to God and the World.

[a] For meðennige, *S.* read, meðemige.

[b] *Both in Regard to God, and the World:* Is a Phraſe frequently uſed in the Saxon Laws and Monuments, and ſignifies, *Both in Regard to the Spiritual, or Eccleſiaſtical, and the Secular, or Temporal Juriſdiction.* And for moſt Crimes Men were anſwerable to both.

One Share of Satisfaction made for [Violation of] Orders, belongs to the Biſhop, a ſecond to the [c] Altar, a third to the [d] Fraternity.

[c] For the Support, Adornment, and Furniſhing of all Things for the Service of that Altar, at which the murder'd Clergyman attended. But certainly it was contrary to Primitive Cuſtom to apply the Price of Blood to ſuch Uſes.

[d] Whether voluntary Gilds, or Fraternities, were yet in Uſe, I dare not ſay; but in After-Ages, if not now, Clergymen combined with Clergymen, Monks with Monks, and many Monaſteries enter'd into mutual Aſſurances with each other, to promote the Spiritual and Temporal

Temporal Good of every ſingle Member, both living and dead, and for this Purpoſe held frequent Aſſemblies; nay, Clergymen and Laymen of all Ranks entred into Aſſociations for the ſame Purpoſe; and this continued after the Conqueſt. If ther were now no ſuch Fraternities, then this Rule muſt be underſtood of the Biſhop's Family, the Monaſtery, College, or leſſer Church to which the murder'd Clerk belong'd: And I conceive ther were few Churches but what had a Number of Clerks, if not of Prieſts, attending in it in this Age. See the Year 940.

A. D. DCCXXXIV.

A ſuccinct Dialogue of Eccleſiaſtical Inſtitutions, by the Lord Ecgbriht, Archbiſhop of *York*.

PREFACE.

PAulinus *converted the* Northumbrians, *and became the firſt Archbiſhop of* York, A. D. 625; *but upon the Death of his Patron, King* Edwin, *in the Year* 633, *he was forced into* Kent, *by the Invaſion of neighbouring Princes, and contented himſelf with the Biſhoprick of* Rocheſter, *for the eleven remaining Years of his Life. After him ther was a Succeſſion of eight Biſhops of* York, *who enjoy'd not the Dignity of Metropolitans, nor received any Pall from* Rome. *In the Year* 734, Ecgbriht *was conſecrated to this See, and procured the Pall, tho' not without conſiderable Difficulty, and exerciſed the Authority of a Metropolitan, for above*

above thirty Years together: His Brother Eadbyrht *reigned King of* Northumberland, *during a conſiderable Part of this Time. Yet ther is Reaſon to believe, that his Superiority in Knowledge gave him a greater Reputation than the Eminence of his Birth.* Bede, *indeed, tho' but a Monk, and Prieſt, very much exceeded him in this Reſpect; but he died ſoon after* Ecgbriht's *Acceſſion to the See of* York, *tho' he lived long enough to write him a Letter of Advice, upon his Advancement to the Metropolitical Chair; and then ther was none, probably, in* England, *that equal'd him in Learning: And indeed, all Orders of Men were ſcandalouſly illiterate; which made* Ecgbriht *ſeem a Prodigy.* Alcuin, *one of the greateſt Men in the next Age, calls him his Maſter, and deſires* Charles the Great, *then Emperor, to ſend young Men to* York, *to tranſcribe the Manuſcripts left there by him.*

It cannot with any Certainty be ſaid what was the Occaſion of his writing and publiſhing the following Dialogue: What ſeems moſt probable, is, that ſome one, or more Biſhops had drawn up the Queſtions, with a Deſign to propoſe them to a Provincial Synod, or rather to a National one, as one wou'd think by the laſt Queſtion: Theſe were put into Ecgbriht's *Hands, to the end that he might procure a publick, authoritative Anſwer to them, in a Council aſſembled for this Purpoſe: But he either not being able to obtain a Council, or thinking it to little Purpoſe to ask the Advice of other Biſhops, in Points which they ſo little underſtood, reſolves to anſwer them himſelf, and return'd the Anſwers, with the Queſtions prefix'd, to the Hands from which he had receiv'd the Enquiries: And this he did, probably, before he had obtain'd his Pall from* Rome, *for he does not ſpeak with the Authority of a Primate, for which Reaſon I place them in the firſt Year of his Conſecration. If theſe Queſtions had actually been laid before a Synod, ther is little Reaſon to doubt but the Anſwers would have been much the*

ſame

same with these of Ecgbriht: *For one or two such extraordinary Persons carried all as they pleased in the Ecclesiastical Assemblies of this Age; therfore I look on this Dialogue and his Excerptions, to be of little less Authority, than if they had received a Synodical Sanction. However, the Answers will give us considerable Light into the Notions and Practices of a very dark Age: And we have no Reason to doubt, but that they are genuine, tho' they have suffer'd much thro' the Injuries of Time, and Transcribers. They were first publish'd at* Dublin, *by Sir* James Ware, *in the Year* 1664. Inter Opuscula Bedæ.

A. D. DCCXXXIV.

ANSWERS of ECGBRIHT.

PREFACE to Ecgbriht's *Answers.*

Lat. IN the Front of this Writing, we beseech your venerable Sanctity to receive with a grateful Mind, and an edifying Charity, whatever Directions, attested by Sacred Books, we give you, in Relation to the Pontifical Care; and if any of them are acceptable to you, let them be confirmed with the Hand-writing of you my Brother. But if any of them seem disagreeable to you, do you, as a discerning Reader, insert what you think more to the Purpose. And after the Information, which we now send you in Writing, we desire the Advice of Your Beatitudes Letters; that by thus exchanging of Parchments, we may be knit together in Charity, and in the same Sentiments. And that you, my Brother, may make a more certain Judgment, we lay before you at once the Questions and the Answers.

I. *Question.*

I. *Question.*

Of what Availment is the Oath of a Bishop, Priest, Deacon, or Monk, in Case of Necessity.

Answer.

Let the Orders aforesaid have the Privilege of verifying Matters upon Oath, according to the Degree of their Dignity; the Priest after the Rate of [a] 120 Plough-lands; the Deacon after the Rate of 60; the Monk after the Rate of 30: But this is [meant] of Criminous Cases. Further, when a Dispute arises concerning the Bounds of Lands, the Priest, by his own Attestation upon Oath, may convey to the Right of the Church one Plough-land; the same is allow'd to two Deacons; and the Testimony of three Monks is sufficient to the same Purpose.

[a] *Tributarius* and *Manons* signified the Tenant to a Plough-land, or the Plough-land itself. *Bede* uses *Familia* in the same sense, as where he says, the Isle of *Thanet* contain'd 600 *Familiæ*. We must exclude *Stonar*, as then under Water. If the remaining seven Parishes have 4000 Acres each, yet this will make but 595 *Familiæ*, at 50 Acres *per Familiam*. But I take it to have been little more than half this, while the Marshes were under Water; and that therfore a Plough-land was then under 30 Acres, 120 of these was then the greatest Rate at which any Subject was laid.

II. *Question.*

Whether a Priest [or] Deacon may be Witnesses of the last Words of dying Men, concerning their Estates?

Answer.

Let him take with him the two, or three, by whose Testimony every Word may be establish'd; lest the Kindred of the Deceas'd, out of Covetousness, contradict what is said by the Ecclesiastics, if a Priest, or Deacon, shou'd only give his Testimony.

III. *Question.*

If a Priest, Deacon, or Monk, is impeach'd for some nefandous Crime, without any evident Proof,

by what Means shall they be purged, if they are Innocent?

Answer.

Since the Testimony of two or three Witnesses is to be rely'd upon, lest we should oppress him that is without Sin, by too severe a Sentence, and Innocence should be crush'd by our making a Difficulty in Relation to the Witnesses, let it be allow'd to every one who is under the [Ecclesiastical] Rule, to produce Witnesses of the Degrees of Priest, Deacon, or Monk, for the Purgation of himself, when he is accused. Two, or three of these, such as he can procure, are abundantly sufficient. Let him that wants Compurgators, thro' —— or the Fear of the Accusers, be sufficient of himself alone, for the Defence of his own Innocence, if the Eye-sight of the Witnesses, or Children born do not prove him guilty. For it is scandalous that either the Wickedness of Priests should increase thro' Neglect; or that Innocence should be oppress'd thro' Defect of the Law: Therfore we ordain, That he who is impeach'd for any Crime, do put the Lord's [b] Cross on his Head, and testify by Him that liveth for ever, who suffer'd upon the Cross, that he is clear from that Crime. And thus all Things are to be left to the Divine Judgment.

[b] It appears, that in the Province of *Canterbury*, the Oath of Purgation was to be made by laying the Hand on the Altar. See *Wihtred's* 18th Law. Yet it is probable that *Theodore* used to swear Men on the Cross; for *Burchard* cites his *Penitential* to this Effect, *viz. He who forswears himself by the Hand of the Bishop, or by a consecrated Cross, is to do three Years Penance; he that forswears himself by an unconsecrated Cross, one Year's.* See *Petit's Theod. Penit. p.* 77.

IV. *Question.*

If a Priest, or Deacon, upon Examination, be found guilty, what cautionary Means must diligent Pastors

Paſtors uſe, that when they are removed from their Office, they may not preſume to miniſter in another Dioceſe, to the Scandal of ſome?

Anſwer.

If a Prieſt, or Deacon, being [c] ejected by his proper Biſhop, for his manifeſt Crimes, preſume to miniſter in another Church, let him be expell'd by the Biſhop of that Dioceſe, as ſoon as it is known; and ſo let him not be ſettled in any Manſion of the Churches, but be always a Wanderer and Vagrant, till being humbled by long Affliction, he returns to undergo the Law of the Church.

[c] I read, *ejectus*, not *electus*.

V. *Queſtion.*

What have we to ſay concerning Sacred Miniſtrations, perform'd by a corrupt Prieſt, before he is convicted; or which he unduly performs by Uſurpation, after he has been convicted?

Anſwer.

We believe the Miniſtrations which he, being Unordained, performed, by Uſurpation of the Prieſthood, among People who were ignorant of it, ought not to be ſet aſide. While his Guilt was known to himſelf alone, he did not hurt others by badly adminiſtring good Offices. But how can any Benefit, which was not his to beſtow, be imparted to him who knew the Impediments, and that they were not at all wip'd off [d] ——— He gives, by his depraved Offices, what he has, that is, that he who partakes with him, ſhou'd incur the ſame Sentence of Excommunication. But this ought not to be underſtood of Baptiſm,

[d] The following Words here omitted, as unintelligible, are, *Quam ipſe accipere poteſt damnationem, utique qui per.*

which ought not to be repeated. But other Miniſtrations perform'd by an unworthy Man, ſeem not to be valid.

VI. *Queſtion.*

Whether a Prieſt, or Deacon, going away without Conſent of his [e] Prior, may miniſter in another Dioceſe?

[e] This Word here ſeems to denote any Head of a Monaſtry, and it ſeems probable, that they had few or no Prieſts, or Clergy-men, in *Northumberland*, in this Age, but Monaſtics.

Anſwer.

We look on a Deſerter of his own Church, as forbidden to miniſter in another: And that he who does ſo miniſter, ſhould be removed from his Office, till he be reconciled to his own Church.

VII. *Queſtion.*

If one of any Dignity whatſoever do wickedly dare to receive a Runagate Clerk, or Monk, what, beloved Brethren, do ye decree in Relation to ſuch?

Anſwer.

Whatever Brother, contrary to the Prohibition of the venerable Canons, receives a Runagate Clerk, or Monk, without Pacifick Letters, and when conven'd obſtinately perſiſts in it, let him pay what is [f] appointed, *viz.* thirty [g] Sicles; fifteen to the Biſhop, fifteen to the Abbot, whoſe Monk he receiv'd without Conſent of his own Prior. Let him diſmiſs the Runagate, or be Excommunicate, and run the Riſque of paying more. Whoever

[f] *Quod ſtatutum eſt.* This plainly implies, that Laws had been made, and particularly in the Province and Kingdom of *Northumberland*, whereby Mulcts were laid upon ſuch as were delinquent in this Caſe; yet *Bede* takes no Notice of any publick, Civil or Eccleſiaſtical, Aſſembly, in which a Law of this Kind could be made.

[g] See Note on the next Anſwer.

Whoever of those [h] Laymen who are known to preside over Monastries, receives such a Runagate, that does not belong to him, let him pay the appointed Dues, that is, ten Sicles to the King, ten to the Abbot whose Domestick he had received without Consent of the Church; and let him abandon the Runagate, or else pay as much as he did before; and afterwards let him be Excommunicated, till Satisfaction be made: That so obstinate Men, who fear not God, and despise the Sentence of Excommunication, being condemned to the Loss of part of what they have, may not attempt Things contrary to the Statutes. Let these Determinations be in Force against those Monastries of Virgins which are under the Rule.

[h] It is evident from this, and other Evidences, that Monastries were grown so rich, that great Seculars thought them too good for Ecclesiastics, and therfore usurp'd them to themselves, either as being Heirs to the Donors, or Founders, and so pretending it belong'd to them to see that the Estates were not misapply'd, or by the Prevalence of the Temporal Powers, or by direct Temporal Right, as one wou'd think by *Answ.* 11. *Bede*, in his Letter to *Ecgbriht*, laments the Profuseness of Kings, and others, in their over liberal Endowments of Monastries, and plainly saw the ill Effects of it: He advised *Ecgbriht* to convert these Abbies into Bishopricks; for he complains of the too small Number of Bishops.

VIII. *Question.*

Now let us further enquire, whether the [i] Punishment of a Monk, who hath defiled himself with a Sacrilegious Mixture, belong to those Laymen, who are nearly related to them?

[i] That is, probably, the Weregeld, or other Fine.

Answer.

The Punishment of them who offend, more or less, in the Church, belongs not to them who are without;

especially since the [a] Apostle says, that all Church Causes ought to be decided by the Priests. [b] But if any Ecclesiastics have committed any Crime among Laymen, as Murder, Fornication, Theft, it is thought fit, that they be by all means seized by the Seculars, against whom they have offended, unless the Church be pleased to make Satisfaction for them. But let not Laymen, who have sacrilegiously mingled themselves with veiled Women, be punish'd, as the Law has decreed Fornicators to be punish'd, but doubly, that is, we will, that the [c] Adulterers pay thirty [d] Sicles, or sixty Pieces of Silver to the Church; because grievous Crimes require more heavy and sharp Penalties.

[a] So 1 *Cor.* ix. 1, *&c.* was then understood.

[b] Happy had it been, if Prelates, in After-Ages, had retain'd the Moderation of *Ecgbriht*, in this Point.

[c] By *Adulterers*, is meant such as deflower'd Nuns.

[d] By this it is evident, that the Sicle was two Pence: For it is, I conceive, agreed among the best Antiquarians, that the *English* had but one Silver Piece in these Ages, and that was the Peny.

IX. *Question.*

Whether foreign Priests, or those of our own Country, may be permitted to minister any where, especially under Laymen, without the Privity of the Bishop of the Place, in whose [e] Diocese they sojourn, while they are Vagrants, not settled in the Place, or not by Pontifical Authority?

[e] *Diocese* here seems to signify the remote Part of the Bishop's Parish, where such Vagrants chose to officiate, far distant from the Bishops. See *Can. Afr.* 53, 56. 2d Part of *Vade-mecum*.

Answer.

We permit not foreign Priests, or such as were ordained at large, and go up and down in the Provinces without commendatory Letters, to minister or give the Sacraments any where, without the Privity

Privity of the Biſhop of the Place. Yet what is neceſſary may be adminiſtred by them. But we are not willing that they ſhould be admitted to the Miniſtration of Sacred Offices, without Diſcretion.

X. *Queſtion.*

If any Brother, or *Siſter, do ſue for any thing which they eſteem their own, any where but in the Eccleſiaſtical Judicature of the Prelates, that it may peaceably be reſtored to them; and in Contempt of their Biſhop, make haſte to obtain what they claim, in an unreaſonable Manner, by Right, or Wrong, what ſay ye to this?

* Abbeſs, or Nun.

Anſwer.

[f] Whatever Brother, or Siſter, ſues for what they eſteem their own, but not in the Judicature of the Prieſts of the Churches, but ſo as to obtain it by Violence of the External Powers, let them loſe what they have gotten by Violence, or elſe be expell'd out of the Churches: Yet we intend no Prejudice to their Church. But when they after their Death have been anathematized, let all Things remain in their former State, and both Parties being conven'd, let a diligent Enquiry be made, what the moſt ancient and veracious ſay; and ſo let all be left to the Judgment of the Biſhops.

[f] By this it ſhou'd appear, that the *Northumbrian* Biſhops had Courts diſtinct from the Temporal, and that the Eccleſiaſtical Judicature in this Province, took the Liberty of reverſing Sentences paſs'd in the temporal Court. It appears that the Juriſdictions in *Northumberland* remained diſtinct in After-Ages. See *Law of North. Prieſt.* 5. This will not prove, that the Biſhops did not in this Province ſit in the Temporal Courts. For the Biſhops in the other Province had likewiſe diſtinct Courts. See *Law of Edgar*, 961. *Numb.* 7.

XI. *Question.*

What say ye to this, that [g] some having Monastries of their own, do so unadvisedly dispose of them, that two together have Possession of a Monastery of the same Sex, or do equally divide it, if they cannot agree to hold it between them?

[g] See *Answ.* 7. It was not only by temporal Means, but by mutual Consent of the Monks and Abbots, that ther were sometimes several Abbots to the same Monastery, or one Abbot to several Monasteries. See *Bede's Vitæ quinq; Abbatum, &c.* publish'd together with these Questions and Answers. By those who had Monasteries of their own, he means, either such as by their Piety, or Management, had founded Monasteries, by procuring Endowments from others, or such as had founded Monasteries out of their own Estates: For such as these did claim a Right in the Abbies, the former as well as the latter. But *Ecgbriht* here attempts to bring them under the Regulation of the Bishop.

Answer.

Let the venerable Congregation chuse one of the two, whom they desire, to preside over them; and let him be appointed Abbot, with the Advice of the Bishop of the Place: And when he who was prefer'd is dead, let the second, who was Coheir at the first, take the Government of the whole Monastery, which was before granted to him, not in whole, but in part; but on Condition still, that he be found worthy in the Judgment of the Bishop, but if not, let such Election be null and Void: And let him who made it, consented to it, or accepted of it, be Anathema.

XII. *Question.*

If a Layman kill a Clergyman, or Monk, wou'd it please you unanimously to decree, whether the Price of his Blood be to be paid according to the Law of Birth-right, to his near Relations, or whether Satisfaction be to be made to his [Ecclesiastical] Seniors, with a larger Sum?

Answer.

Answer.

Whatever Layman kills a Bishop, Priest, or Monk, let him do Penance [h] according to the establish'd Measures, and pay the Price of his Blood to the Church to which he belong'd; for the Bishop, according to the [Decree] of [i] General Council, for a Priest [k] eight hundred Sicles, for a [l] Deacon six hundred, for a Monk four hundred Pieces of Silver, unless the Dignity of his Birth, or the Nobility of his Stock require a greater Price. For it is not just that the serving of the Holy Profession in a Supe-

[h] The Penance to be done for such Murder, is, seven Years Fasting three Days in every Week, besides *Lent*, and Vigils; according to *Bede*, *De Remed. peccator.* Which is rather believ'd to be our *Ecgbriht*'s.

[i] Whether he mean a General, that is, a National Council, formerly held, which had assigned some certain Mulct to the Murderer of a Bishop, or that a Council ought to be call'd on such an Occasion, to assign it, *toties quoties*, is uncertain; but if any General Council had assign'd it, the Constitutions of it are lost.

[k] By the Laws of Satisfactions annexed to the Dooms of King *Wihtred*, seven Pound is the Mulct for killing a Priest. Now eight Hundred Sicles wants but eighty Pence of seven Pound, reckoning the Sicle two Pence, so that ten Sicles make an Ounce, and one Hundred and twenty Sicles, or twelve Ounces, make one Pound. It is not to be wondred if Money were then, as well as ever since, of somewhat less intrinsick Value in the *South*, than in the *North*, and this being considered, those Laws of *Wihtred*, and these Answers of *Ecgbriht*, do mutually support each other's Authority.

[l] The Mulct for killing a Deacon was six Pound, by the Laws of *Wihtred*; six Hundred Sicles, at the Rates aforesaid, makes five Pound; and 'tis probable, One in Six was the least of the Disproportion between the Value of Money in the *North* and *South*; therfore they in the *North* taxed the Murder of the Priest higher than those in the *South*; for they abated but eighty Pence of the Sum paid in *Kent*, and eighty Pence was but the third Part of a Pound.

Superior Degree, shou'd forfeit what they who live without, in a Lay-Habit, do notoriously claim, by Right of Parentage. But he who has not wherewithal to redeem himself for the Murder committed by him, is to be left to the King to be punish'd, lest the Murderers of the Servants of God shou'd think that they may sin with Impunity. And let this Punishment which we have inflicted on the Murderers of Priests, be in Force, in Relation to them that are Abbots without Orders; unless a Synodal College, upon more mature Advice, shall lay any of them at a higher, or lower Rate.

XIII. *Question.*

If a lawful Marriage be dissolved, by Consent of both Parties, on Account of the Impotency of the Man, or Woman, is it lawful for the sound Party (being incontinent) to marry, the impotent Party giving Consent, and promising to live in perpetual Continency? What does your Sanctity judge of this Case?

Answer.

No one acts against the Gospel, or the [a] Apostle, without Punishment, therfore we give no Consent to [b] Adultery. Yet we lay Burdens on no Man, which cannot be born without Danger, but confidently enjoin the Commandments of God: But we reserve him unpunish'd for the just Judgment of God, whose Infirmity hinders him from fulfilling [them.] Therfore, lest we shou'd seem to connive at Adulterers, or that the Devil, who deceives Adulterers, shou'd rejoice at [b] Adultery, hear further,

[a] I read, *Apostolum*, not ------*lorum*. He speaks in the Primitive Style, for the Ancients call'd all the Epistles of St. *Paul*, and St. *Peter*, *The Apostle*.

[b] I read, *Adulterio*, not --------*ris*, in both these Places; and *ulterius*, not --------*toribus*, *inultum*, not *mult*.

ther, *That which God hath joined, let no Man Jeparate*; and alſo, *he that is able to receive it, let him receive it*: For Neceſſity often breaks a Law, by reaſon of the Change of Times: For what did *David* do, when he was hungry? And yet he was without Sin. Therfore Sentence is not to be given in doubtful Points. But ther is a Neceſſity of riſquing [c] Counſels, for the Salvation of others; upon this expreſs Condition, that it be by no Means allow'd to one that hath vow'd Continency, to contract a ſecond Marriage, the former [Wife, or Husband,] living.

[c] He ſeems to ſuppoſe, that the Law of not ſeparating Parties married, was not a Commandment abſolutely binding, under Pain of Damnation, in all Caſes, but a *Counſel*, in the Senſe of the Schoolmen; that is, not neceſſary to Salvation, but to Perfection. *Theodore* was alſo very looſe, as to the Point of Matrimony.

XIV. *Queſtion.*

If any Layman declare a Clergyman, or Monk, to be under ſome Blemiſhes, which he formerly contracted, while he was under a Lay-Habit, and to which he has not yet put an End, either becauſe he was not able, or becauſe he formerly, and to this very Day, hath diſſembled, and conceal'd it; and if he now ſticks by the Church with great Solicitouſneſs and Importunity, what ſay ye to this?

Anſwer.

Whatever Secular Man deſires to undertake the Service of the Holy Profeſſion, and anſwers, when he is ask'd, that he is not of a ſervile Condition, that he has not [d] committed Murder publickly, without having made Satisfaction for it, and that he

[d] This muſt be meant only of Monks, for Murderers might take that Habit, becauſe it was ſaid, their whole Life was one continued Penance; but no Criminal was ever allowed to be Ordained.

he is possess'd of nothing which does of Right belong to another, let him [be sure] that he owes nothing to any one but to God, whose Servant he is, for the Guilt of former Sin. But if he deceiv'd the Church, and fraudulently conceal'd his Crime, it is resolved, that the Church have Power to dismiss him, or, if she please, to make Satisfaction for his Crime. But we desire, that they who are in this Condition be [e] torn from the Church-Doors by Force, and that no Time, for the future, be allow'd to the Church to abscond such as are guilty, after the Day of Trial. But they are to be dismiss'd without Hurt, or [f] Blows, that Reverence may be paid to God. For the Temple is an House of Propitiation, not a Den of Thieves. (Read the Dedication of *Solomon*'s Temple.) But if he had offered any Things to the Church, let the Priest restore them, that he may have wherewithal to redeem himself.

[e] This is to be understood, upon Condition that the Church will not satisfy for their Crimes. But how could Monks be torn from the Church, when that was a Sanctuary for all Criminals? I answer, it was a Sanctuary for such as acknowledged their Crimes only; and therefore came to the Church as Criminals, not as Devotees, as the Monks in this Case are supposed to have done. Happy had it been, if *Becket*, and other great Prelates, in After-Ages, had not absolutely refused that Power of punishing criminous Monks, and Clerks, to the Civil Magistrate, which *Ecgbriht*, with a true Christian and Priestly Spirit, not only allows, but desires that it might be exercised.

[f] I read, *verberibus*, not *verius*.

XV. *Question.*

What are the Crimes, for which no Man can be made Priest, and for which he who has formerly been Ordained, is to be Deposed?

Answer.

Answer.

The Ordination of a Bishop, Priest, or Deacon, shall be accounted Valid, in Case he prove clear of all grievous Crimes, if he have not had a second Wife, nor one deserted by her Husband, if he never did publick Penance, and be not maimed in any Part of his Body, if he be not of a servile Condition, and disengaged from all Obligations of bearing Civil Offices. And if he be literate, such an one we chuse to be promoted to the Priesthood. It is unlawful to Ordain any Man on the Account of these Blemishes. And for these we declare, That those already promoted are to be deposed; that is, worshipping of Idols, giving one's self captive to the Devil, being Conjurers, Diviners, Inchanters, violating Faith by false Testimony, defiling one's self with Murder, Fornication, committing Thefts, violating the Holy Name by presumptuous Perjury. And they ought not to obtain the Favour of [Lay] Communion, without publick Penance, nor to recover their former Dignity [by doing Penance:] For it is not allow'd by the Church, that [publick] Penitents should minister sacred Offices, as having formerly been Vessels of Vice.

XVI. *Question.*

Of the four Ember-Weeks.

[g] Do ye explain to us, by an unanimous Sentence, whether the establish'd Fasts of the first, fourth, seventh, and tenth Month, are to be celebrated in the Beginning of those Months, or at other Times; and by whose Authority, and in what Manner, and for what Causes they were instituted, that so they may be uniformly kept in every one of your Sees, and in the Church of the *English*?

[g] Ther is a great Uncertainty, as to the precise Weeks when the Ember-Days were observed of old. The forged Epistle of *Calixtus* mentions three Fasting Times observed of Old, and adds a fourth, to be observed for the future;

future; but mentions not the certain Weeks, when they were to be kept. Our Council of *Cloves-hoo* seems to say, that *Gregory* the Great enjoined but only the Fast of the fourth, seventh, and tenth Month, *c.* 18. yet *Ecgbriht*, *Art.* 1. says that he did direct the *Lenten-Ember* to be observed. Pope *Leo*, *A. D.* 442. speaks of four, but mentions not the certain Weeks, except *Pentecost* only. *Distinc.* 76. *c.* 6. *Gelasius*, *A. D.* 403. mentions the Fast of the fourth, seventh, and tenth Month, another at the beginning of *Lent*, and in the middle of *Lent*. The Council of *Mentz*, *c.* 13. orders the first to be kept in the first Week of *March*, the second in the second Week of *June*, the third in the third Week of *September*, the fourth in the fourth Week of *December*. *Durandus* mentions this Practice, *l.* 6. *c.* 134. The Council of *Salegunstudt*, in the same Diocese, *A. D.* 1022. directs the Fast to be kept the second Week in *March*, if the first Day fall on any Day of the Week after *Wednesday*, or on *Wednesday*; if on any Day before, then in the first Week; if on *Thursday*, *Fryday*, or *Saturday*, then on the third Week; and the second Fast on the second Week of *June*, if the first Day of *June* fall on a *Wednesday*, or any Day in the Week before *Wednesday*, else in the third Week; but if *Whitsun*-Eve fall in this Week, then the next to be the *Ember*-Week: And the third Fast in *September*, to be on the third Week of that Month, if the first Day of *September* fell on *Wednesday*, or before, else on the fourth Week; and that the fourth Fast be kept so that the *Ember-Saturday* be the *Saturday* before *Christmas*-Eve. The Council of *Clermont*, *A. D.* 1095. ordered the first to be on the first Week of *Lent*, the second in *Whitsun*-Week, the third in the entire Week next before the Autumnal Equinox; the fourth in the entire Week next before *Christmas:* And they must mean the same, who speak of the fourth Week in *December*, as *Ecgbriht* here does, *Art.* 4. or else they must mean the fourth Week in *Advent*, and even then ther will be no fourth Week, but that the *Saturday* will fall on *Christmas*-Eve, and this is contrary to Rule.

But 'tis observable, that none of these Popes, or Councils, take Notice of the *Ember*-Weeks as Times of Ordination, except *Gelasius*; nor does *Ecgbriht*, in his Answer, mention them as such. It is said, in the Life of

Anterus,

Anterus, in the *Liber Pontificalis*, that *December* was of Old the only Time for this Purpose; and I cannot discover when the *Ember*-Weeks were first settled in the present Course. *Alexander*, 3 *Decretal. L.* 1. *Tit.* 11. *c.* 2. mentions the *Ember*-Weeks as Times of Ordination, but does not settle the Weeks. See the Assument which I have added to these Answers.

Answer.

Because the World consists of four Quarters, *East*, *West*, *South*, and *North*; and Man is compounded of four Elements, Fire, Air, Water, and Earth; and the Mind is govern'd by four Virtues, Prudence, Temperance, Fortitude and Justice; and the four Rivers of Paradice, as Types of the four Gospels, water the whole Earth; and the Year turns on the four Seasons, Spring, Summer, Autumn and Winter; and this Number, four, is on all Hands acknowledged to be the Number of Perfection; therfore the Old Fathers instituted the four *Ember*-Weeks, according to God's Law; as also Holy Men, and Apostolical Doctors, have done now under the New-Testament.

I. *Article.*

The Lord said unto *Moses*, concerning the first Month, [h] *This Month shall be unto you the beginning of the Months of the Year.* And again the Lord said unto *Moses*, *Observe the Month of First-fruits, when ye came up out of the Land of* Egypt, *as an Ordinance in your Generations.* Which Fast the Holy Fathers appointed to be observed in the first Week of the first Month, on the *Wednesday*, *Friday*, and *Saturday* [only,] unless it be in the *Lenten* Days. But we, in the Church of the *English*, do commonly keep this Fast of the first Month, in the first Week

[h] *Ecgbriht*'s Application of the Texts of the *Pentateuch* here, are very surprizing, and extraordinary, but especially in the 2d and 4th *Art.*

Week of *Lent*,[i] as our Maſter the Bleſſed *Gregory* tranſmitted his Ordinance to us, in his own *Antiphonary*, and *Maſs-Book*, by our Pedagogue, the Bleſſed *Auguſtin*.

[i] It can, I conceive, no longer be a Diſpute with them who conſider what *Ecgbriht* ſays here, and again in the ſecond Article, whether the *Roman*, or *Gallican Miſſal* was here uſed. *Ecgbriht* is a peremptory Evidence, that *Gregory* enjoin'd his own *Miſſal* and *Antiphonary*: He muſt have been born within a hundred Years after *Auguſtin*'s coming hither, and converſed familiarly with *Bede*: This was long before *Charles the Great* uſed his Power and Intereſt, for introducing the *Roman Miſſal* in other Parts.

II. *Article.*

The ſecond Faſt, of the fourth Month, took its Riſe from the *Old Teſtament*, when the Law was given to *Moſes* in Mount *Sinai*, it was commanded of the Lord, that the People ſhou'd be ready *to hear his Voice on the third Day, and not come near their Wives.* And again ſaid the Lord to *Moſes*, *Ye ſhall take of the Firſt-fruits, and offer them to the Lord your God.* Which was alſo ordained under the *New-Teſtament*, according to what the Lord ſays, *The Children of the Bride-Chamber cannot faſt, ſo long as the Bridegroom is with them, but the Time cometh when the Bridegroom ſhall be taken away from them, and then ſhall they faſt, in thoſe Days.* For according to the Analogy of Times, after the Aſcenſion of our Lord into Heaven, when his Bodily Preſence was withdrawn, then was the Faſt of the fourth Month injoin'd in the ſecond Week. And the ſame Bleſſed *Gregory*, by his ſaid Legate, appointed the ſame to be celebrated by the Church of the *Engliſh*, on the entire Week after *Pentecoſt*; which not only our *Antiphonaries*, but thoſe which we peruſed, together with his *Maſs-book*, at the Threſholds of the Apoſtles *Peter* and *Paul*, do teſtify.

III. *Ar-*

III. *Article.*

The third Faſt, of the ſeventh Month was enjoined of God by *Moſes*, ſaying, *Speak unto the Children of Iſrael, and thou ſhalt ſay unto them, the tenth Day of the ſeventh Month ſhall be called Holy, ye ſhall humble your Souls in Faſting: Every Soul that is not afflicted on this Day, ſhall periſh from among his People.* Therfore this Faſt is celebrated in the Church, according to ancient Cuſtom: Or becauſe the Days decreaſe, the Nights increaſe: For by the Defect of the Sun, and the Growth of the Night, our Life appears to decline by the Approaches of Death; which Death, at the Judgment and Reſurrection, ſhall be retrieved to Life: And if the End of our Life be intimated by the leſſening of the Days, and the Approach of Death by the Increaſe of Night, we think it neceſſary for the Remembrance of ſo great a Myſtery, that we afflict our Souls, every Year, as we read the Children of *Iſrael* did at this Time, by faſting, not only from Meat, but from all Contagion of Vice, attending to the Doctrine of the Goſpel, *Walk, while ye have the Light, leſt the Darkneſs overtake you, and the Night come, when no Man can work.* The Church of the *Engliſh* uſes to celebrate this [Faſt] in the entire Week before the Equinox, [a] without any Regard to the Computation of the third Week.

[a] See Note the firſt, on Queſtion to this Anſwer.

IV. *Article.*

The fourth Faſt was kept by them of old, in the Month of *November*, according to the Precept of the Lord by *Jeremia*, ſaying [b], *Take the Volume of the Book, and write therein all the Words which I have ſpoken againſt Iſrael, and Juda, and it came to paſs in the ninth Month, they proclaimed a Faſt be-*

fore

[b] *Chap.* xxxvi. 2, 9.

fore the Lord, to all the People of Jerusalem. Therfore by this Authority of the Divine Scriptures, the Catholick Church has taken a Custom to celebrate a Fast in the tenth Month, in the fourth Week, on Account of the Approach of the venerable Solemnity of our Lord Jesus Christ, before which, Continency of the Flesh, and Fasting, is to be observed for several Days. (That every faithful Man may prepare himself for the receiving the Communion of the Body and Blood of Christ with Devotion,) which the Nation of the *English* hath been always used [to do] in the entire Week before the Nativity of our Lord. [c] It is said, she kept a stated Fast, not only on *Wednesday*, *Friday*, and *Saturday*, but for twelve Days together, in Abstinence, Watching, Prayer, and giving of Alms, both in Monasteries, and among the common People, before the Nativity of our Lord. For this Custom (thanks be to God) grew up in the Church of the *English*, and was holden from the Times of *Vitalian* the Pope, and *Theodore* Archbishop of *Canterbury*, that not only Clerks in the Monasteries, but also Laymen, with their Wives and Families, went to their Confessors, and cleansed themselves with Tears, and [Abstinence] from all Indulgence of Carnal Lust, and with giving of Alms, on these twelve Days; that so they might with the greater Purity be Partakers of the Communion of the Lord on his Nativity. [d] For beside these establish'd Fasts, very many fasted [every] *Wednesday*, and *Friday*, on Account of Christ's Passion, and [every] *Saturday*, for that he on that Day lay in the Grave.

[c] This is a very perplext Sentence. I make a full Stop at *consuevit*.

[d] I suppose these Words explain what he had said before, concerning the Fast on *Wednesday*, *Friday*, and *Saturday*, throughout the Year.

I thought

I thought it ſeaſonable here to ſubjoin a much more clear Account of the Ember-*Weeks, which* Ecgbriht *himſelf (I conceive) gives, in his Chapter* De jejunio quatuor temporum, *among the* Formulæ viteres, *which follow after his* Excerptions, *in the* Cottonels. *He begins, by obſerving that ther are four Seaſons of the Year, in every one of which a certain Week is ſet apart for Faſting, by the Church; and he there alſo derives this Cuſtom from the* Moſaical *Law, and then proceeds in this manner.*

The Authority of *Rome* injoins theſe Times *Lat.* thus to be obſerved, That in the firſt Month, called *March*, the *Wedneſday*, *Friday*, and *Sabbath-day*, of the firſt Week be faſted. That in the fourth Month, called *June*, it is decreed to faſt in the ſame manner, in the ſecond Week. And that the ſame be done in the third Week of the ſeventh Month, call'd *September*. It is in the ſame manner decreed, in Relation to the tenth Month, in that ſame Week which is next before the Nativity of our Lord. But [e] St. *Gregory* injoined theſe Faſts thus to be publiſh'd to the Nation of the *Engliſh*: The firſt Faſt is in the firſt Week of *Lent*. The ſecond Faſt is in *Pentecoſt* Week. The third Faſt is in the full Week before the *Autumnal Equinox*. The fourth Faſt is in the full Week before our Lord's Nativity. On theſe *Sabbaths*, when all the People are met at Church, the Ordinations of Clerks ought to be performed, that while their Ordination is done before the People, their Reputation may be examin'd under the Teſtimony of

[e] Theſe Words ſeem plainly to be underſtood of *Gregory the Great*, and of the Proviſion which he made on this Head, for the *Engliſh* Church. I know *Gregory* the Seventh regulated the *Ember*-Weeks, but he is ſaid only to have *reſtored* the juſt Obſervance of theſe Times; And he was no Saint.

all; [f] and I beſeech you, Brethren, devoutly to obſerve theſe Faſts; and know, that not only theſe Faſts are to be obſerved, but all the Days going [g] before the Vigils of the famous Feſtivals, are to be kept with Faſting. And in the Days of your Faſts, deareſt Brethren, do not ſtir up Strife, Diſpute, Scandals.

[f] The following Words ſeem to be *Ecgbriht's*, or to have been added by ſome of his Succeſſors.

[g] The Vigils here are not ſuppoſed to begin till the Even-tide.

A. D. DCCXL.

ECGBRIHT'S Excerptions.

PREFACE.

THE following Canons are called the Excerptions *of* Ecgbriht; *and I ſee no room to doubt of his being the firſt Founder of this Work; and tho' great Alterations have been made in it, yet they ſeem to have been made not long after the Age of* Ecgbriht. *In Truth, this Collection looks like* a Code of Canons for the Province of *York; which the Succeſſors of* Ecgbriht, *or others, augmented, curtail'd, and tranſpoſed at Diſcretion. It is well known, that* John *of* Antioch *made a Collection of Canons for his own Patriarchate,* Martin *Archbiſhop of* Braga, *for his own Province,* Criſconius *an* African *Biſhop, for his own Dioceſe: And theſe have come down to us without any notable Corruptions: But that compoſed by* Iſidore *of* Sevil, *hath been worſe contaminated than this of* Ecgbriht:

birht: *For the Forger of the ancient Pope's Decretal Epistles, inserted them into this* Isidore's *Work: Even Abbots, simple Priests, and Deacons, have compiled such Systems of Canons with Approbation; and* Bale *says, that this Collection, under the Name of* Ecgbriht, *was made by* Hucarius *the Levite, (Deacon, I suppose) who was* Ecgbriht's *Amanuensis.*

I follow Sir H. S.'s *Edition so far as he goes, excepting some necessary Emendations. The Numbers are not in the MS. but were added by Sir* H. *I have followed him in these too, to Canon* 141, *which I divide into two, and so am one before him, in the four following Canons, which are the last in his Edition. Sir* H. *mentions a MS. Copy of these* Excerptions *in the* Cotton-*Library; but a Learned Friend of mine can find no Copy there, but that from which Sir* H. *published his Impression in the Book* (Nero, A. 1.) *nor does Mr.* Wanly *mention any other there. Sir* H. *intimates his Suspicion that he was imposed upon in this Point, and it seems evident he was so. This MS. has an Inscription, intimating, that* Spelman made his imperfect Publication from this Book. *It would be much for the Credit of his Edition, if ther had been another MS. in that, or any other Library, so nearly resembling that which he published, and which he published from a Book which he calls his own, tho' it be now in that publick Repository.*

The Reader will not wonder to see several Canons upon the same Head, in this Collection, and these sometimes scarcely consistent with each other, when he considers that the same thing is done very often in the Corpus Juris Canonici. *Old Laws, or Canons, give Light to the New, even when contrary to them: So the Right Reverend the Bishop of* Lincoln, *hath in his* Code *published the old obsolete Laws, and Canons, in Order to give his Reader the true Aim and Intent, of those now in Force. And further, in* Ecgbriht's *Age, Primates had a very great Latitude left to them in most*

Points relating to Diſcipline and Juriſdiction, and, in effect, acted at Diſcretion. It was the Pope's Canon Law, that firſt laid Primates, and all Biſhops, in this Nation, under preciſe Reſtrictions; and this was not compiled till about four Hundred Year after this Time: Therfore, tho' it was moſt reputable to act by ſtated Rules, yet in Caſes where ther were different Rules, the Primates, and even Biſhops, were to chooſe by which they would act, according to the various Circumſtances of the Perſons, and Cauſes which were brought before them.

Tho' I have rarely elſewhere put the Titles of the Canons into my Tranſlation; yet here I have, becauſe of the very ſingular Manner of them: They ſeldom mention the Matter of the following Canon, but often the Sacred Writer, Council, Father, or other Author of them; and in this too ther are frequent Miſtakes committed, more (probably) than I have advertiſed in my Notes. For I did not think it worth the while to take much Pains in diſcovering ſuch harmleſs Errors. But by this we may ſee, that they who drew them were willing to act by an Appearance of Antiquity and Authority; but they often took Things upon Domeſtic Tradition, or Conjecture, without troubling themſelves to look into Originals. I have not placed the Titles in Lines, or Paragraphs diſtinct from the Body of the Canons, but immediately after the Number. And the firſt Full-Point in every Canon ſhews not the end of a Period, but of the Title: For I was willing to give my Reader the whole in as ſmall a Compaſs as poſſible.

Sir H. S. *dates the* Excerptions *of* Ecgbriht 750. *Not that he had any greater Reaſon or Authority for placing them in that Year, than in any other of the thirty two of his Adminiſtration,* (viz. *from* 734, *to* 766,) *but becauſe it was his Rule, when the Date was uncertain, to take the middle Year, and that was* 750. *But I conceive that* Ecgbriht *was fully ſettled in his Primacy,*

Primacy, and had Time to lay down Rules for his own, and his Suffragans and Clergy's Conduct, in six Years: And further, I was willing to put his Answers *and* Excerptions *as near to each other as I could; and since ther was no Ground for placing* Cuthbert *of* Canterbury's *Canons before these* Excerptions *of* Ecgbriht, *therfore I chose to put all this great* Northumbrian *Prelate's Canonical Works together, and therfore crave Leave to ascribe to them the Date of*

A. D. DCCXL.

The Excerptions of the Lord ECGBRIHT, Archbishop of *York:* Collected out of the Sayings and Canons of the Holy Fathers. *Lat.*

The PREFACE which begins the Canons.

WE call those Rules which the Holy Fathers ordained, and wherein is contained in Writing, how Canonics, that is, Regular Clergymen, shou'd live, *Canons.*

[a] Augustinus Aurelienſis *the Bishop, says,*

[a] It seems probable, that he who first inserted the following Paragraph, wou'd have these Words esteemed a Citation from the great St. *Augustin* of *Hippo*, whose true Name was *Aurelius Augustinus.* But the Words must be of a more modern Age.

That no Priest may be ignorant of his Canons, nor do any thing that may clash with the Rules of the Fathers; and that no Excuse may be made on account of Ignorance, nor any thing be omitted thro' Forgetfulness; let this Book be used as a Place of Prospect, from whence a View may be taken of Canonical Determinations: Yet not all

Clerks, but Prieſts only are to [b] put in uſe, and [c] read Canonical Conſtitutions. For as none but Biſhops and Prieſts ought to offer the Sacrifice, ſo neither ſhould others put in uſe theſe Dooms.

[b] Lat. *Uſurpare.*

[c] Sure the Meaning of this Writer could not be, that it was unlawful for any Clergyman to read Canons for his private Information; but rather to read them publickly as a Profeſſor, and then it muſt be owned, that this Paragraph was of a much later Date than the Canons themſelves.

Here begin the Excerptions *of the Lord* Ecgbriht, *Archbiſhop of the City of* York, *concerning the* [d] *Duty of Prieſts.*

[d] Lat. *De jure Sacerdotali.* It is a Saxoniſm. Riht ſignifies Office, or Duty, as well as Right. *Ecgbriht* is ſaid to have tranſlated his *Excerptions* into the *Saxonic* Tongue, and ther are ſtill ſaid to be ſome Fragments of them remaining. From this it is not improbable, that he publiſhed them firſt in that Tongue, and that this is a Latin Tranſlation of them.

The Duty of Prieſts.

1. [e] An *Item.* Let every [f] Prieſt build his own Church with all Diligence, and preſerve the Relicks of the Saints with the greateſt Care, watching over them by Night, and performing Divine Offices.

[e] The firſt twenty eight Canons have no Title but *Item:* My Reader will pardon me that I have tranſcribed it but once. The CCCC MS. puts theſe twenty-one Canons before the Paragraph of *Auguſtinus Aurelienſis*, and without any Title, or Diviſion: In the *Oxf.* MS. ſays Sir *H. S.* they are placed before *Ecgbriht*'s *Penitential.*

[f] From this it ſhou'd ſeem, that Pariſh-Churches began now to be built apace in this Province.

2. That all Prieſts, at the proper Hours of the Day and Night, toul the Bells of their Churches, and

and then perform their ſacred Offices to God; and inſtruct the People how, and at what Hours God is to be worſhip'd.

3. That on all Feaſts, and Lord's-days, every Prieſt preach Chriſt's Goſpel to the People.

4. That every Prieſt teach all that belong to him to know how they are to offer the Tithes of all their Subſtance in a due Manner, to the Churches of God.

5. That the Prieſts themſelves receive the Tithes from the People, and keep a written Account of the Names of all that have paid them; and divide them in the Preſence of ſuch as fear [God], according to Canonical Authority, and [g] chuſe the firſt part for the Ornament of the Church, and diſtribute the ſecond part to the Uſe of the Poor and Strangers, with their own Hands, with Mercy, and all Humility; and let the Prieſts reſerve the third part to themſelves.

[g] By this it ſhou'd ſeem, that the *Northumbrian* Epiſcopal Sees were well endowed; I mean, becauſe ther is no Quota of the Tithes reſerved for the Biſhops, as was in ſome Places, many Ages after this. Yet *Boniface* ſays the Biſhops received Tithes. *Queſtion*, Whether this Canon was not afterwards added?

6. That every Prieſt do with great Exactneſs inſtil the Lord's-Prayer, and Creed, into the People committed to him, and ſhew them to endeavour after the Knowledge of the whole of Religion, and the Practice of Chriſtianity.

7. That all Prieſts pray aſſiduouſly for the Life and Empire of our [h] Lord the Emperor, and for the Health of his Sons and Daughters.

[h] This was plainly tranſcribed from ſome Foreign Council, or Decree, without making proper Alterations.

8. That

8. That every Prieſt aſſiſt at the daily Prayers, for the Pontiff by whom he is governed.

9. That no Prieſt preſume to celebrate Maſs in Houſes, nor in any other Places, but Conſecrated Churches.

10. That the [a] Rite, and Time of baptizing at proper Seaſons, according to the Inſtitution of Canons, be moſt cautiouſly obſerved by all Prieſts.

[a] Lat. *Jus. Anglo. Sax.* Rihꝛ, as the Lat. *Ritus*. The Seaſons of baptizing were, *Eaſter*, *Pentecoſt*, and, in ſome Places, *Epiphany*.

11. That all Prieſts diligently give Baptiſm to all that want it, in Caſe of Infirmity, at any Times whatſoever.

12. That no Prieſt preſume to ſell a Sacred Office, or the Sacrament of Baptiſm, or any Spiritual Gift, at any Price, leſt they [b] be like them, who ſold and bought Doves in the Temple. And let them not deſire earthly Pay, for what they have obtained by divine Grace; but only Merit to receive the Glory of the heavenly Kingdom.

[b] *Imitemur*, Sir *H. S.* and *Cotton* MS. *Imitentur*, CCCC MS.

13. That no Prieſts go from the [c] See of the Holy Church, under whoſe Title he was Ordained, in order to remove to a ſtrange Church; but there devoutly remain to the end of his Life.

[c] *Propria Sede*, Sir *H. S.* But *Propria* is not in the MS. in the *Cotton* Library.

14. That none who is numbred among the Prieſts cheriſh the Vice of Drunkenneſs, nor force others to be drunk by his Importunity.

15. That no Prieſt contract Familiarity with Women not related to him, nor ever permit any Woman to dwell with him in his own Houſe.

16. That

16. That no Prieſt be Surety for another Man, nor ſue in the Secular Courts, relinquiſhing [d] his own Law.

[d] That is, the Biſhop's, or Eccleſiaſtical Court.

17. That none who is numbred among the Prieſts bear Military Arms, nor ſtir up Strife againſt his Neighbour.

18. That no Prieſt go to eat, or drink, in Taverns.

19. That no Prieſt [e] ſwear an Oath, but ſpeak all Things ſimply, purely, truly.

[e] *Quicquam juramento juret*, CCCC MS.

20. That all Prieſts [f] enjoin fit Penance to all who confeſs their Crimes to them, with the utmoſt Circumſpection; and with Compaſſion give the Viaticum, and the Communion of the Body of Chriſt, to all ſick People, before the end of their Life.

[f] *Indicent*, Sir *H. S. Judicent*, *Cott.* and CCCC MS.

21. That, according to the Direction of the Holy Fathers, if any one be ſick, he be anointed by the Prieſt with Conſecrated Oil, together with Prayer.

22. That Prieſts have the Euchariſt always ready for the Sick, leſt they die without the Communion.

23. That Prieſts be neither conſtituted in any Churches, nor ejected from them, without the Authority and Conſent of the Biſhops.

24. That Churches founded of Old, be not deprived of their [g] Tithes, or any other Poſſeſſions, in order to give them to new Oratories.

[g] Here ſome Churches are ſuppoſed to be endowed with Tithes, long before this Age.

25.

25. Let one entire Manſe be given to every Church, without other Service: For the Tithes, Oblations of the Faithful, Houſes, [h] Church-yards, Gardens near the Church, and for the Manſe beforementioned, let the Prieſts conſtituted in them, do no [i] Service, but Eccleſiaſtical. If they have any thing more let them pay due Services for it to their Seniors, according to the Cuſtom of the Country.

[h] Probably ther is not any mentions of Church-yards, earlier than this, in the *Engliſh* Antiquities: And here the Word *Atriis* is uſed; which may ſignify any of the Avenues, Out-buildings, or Porticos of a Church. However, one may dare ſay, that Church-yards were not uſed as Burying-places, in the Province of *York*. *Cuthbert* was ſcarce Archbiſhop of *Canterbury*, when theſe *Excerptions* were firſt made, and he is ſaid firſt to have introduced the Uſe of Church-yards, as Burying-places, into this Nation.

[i] The Service here meant, was undoubtedly Temporal, and therfore the *Seniors* were Temporal Lords.

26. That Biſhops, and Prieſts, have an [k] Houſe for the Entertainment of Strangers, not far from the Church.

[k] Lat. *Hoſpitiolum*. The Diſtricts of the Prieſts, ſince call'd *Pariſhes*, were at firſt very large; inſomuch that by the Confeſſor's, or, at fartheſt, by the Conqueror's Time, three or four Pariſhes were made out of one of the old ones. While Pariſhes were ſo large, no Wonder that the Rectors had Houſes of Entertainment for Strangers; theſe were diſtant from the Manſes of the Prieſt, to avoid Infection, often brought by Strangers; beſide other Inconveniencies.

27. That the Biſhop, in the Church, ſit elevated above the [l] Bench of Prieſts; but in the Houſe let him know himſelf to be a Collegue of the Prieſts.

[l] *Confeſſu*, as the CCCC MS. not *Conſenſu*, as Sir *H. S.* and his MS.

28. Let

28. Let every Bishop take great Care, that the Churches of God within his Parish be well built, repair'd, and adorn'd, as well in the [a] Edifice, and Lights, as in the other Furniture, and that the Servants of God do every one according to the Degree of his Order, regularly [b] give his Help [toward it]; especially let it be the Bishop's Care; and let him look to it, that they celebrate the Canonical Hours together, at the appointed Season. The Holy Fathers ordained the Synaxes to be sung, which the Clergy ought to sing every Day at proper Hours. [c] The first is the Nocturnal Synaxis, the second is at the first Hour of the Day, the third is at what we call the third Hour, the fourth at the sixth, the fifth at the ninth, the sixth Synaxis is in the Evening, the seventh Synaxis we call *Compline*. These seven Synaxes we ought daily to offer to God with great Concern for our selves, and for all Christian People, (as the *Psalmist*

[a] I read, *Ædificio*, not, *Officio*.

[b] *Juvant*, Sir *H. S.* But the MS. has *vivant*; and this, indeed, best fits the Syntax, and agrees well with the rest of the Canon, *viz.* that *the Servants of God*, that is, the Monks, *live regularly*, &c.

[c] These Canonical Hours were gradually introduced, they are mentioned by *Clemens Alex. Tertullian*, *Origen*, *Cyprian*, and in the *Apostolical Constitutions*, yet none but the *Apostol. Const.* mention them as Times of publick Prayer. But from these it appears that they are more ancient than Monkery. None of these mention six such Hours, but the *Apost. Const. Lib.* 8. *c.* 34. The Hours there set down are, Morning, the third, sixth, ninth Hour, Evening, and Cock-crowing, which is explained, by saying it was before Day. *Cl. Al.* mentions only the third, sixth, and ninth Hour. *Compline* was not added till long after. They who mention Midnight, commonly omit Mattins, and *vice versa*, the *Ap. Const.* by Cock-crowing mean Mattins. St. *Jerom* mentions not *Compline*, but Nocturn; which was properly at Midnight, which was afterwards defer'd to what is now call'd Mattins; sometime.

miſt teſtifies, when he ſays, *Seven times a Day will I praiſe thee, becauſe of thy righteous Judgments,)* and not to omit [to celebrate] Maſſes, as the Holy Fathers did, whom we call Confeſſors, that is, Biſhops and Prieſts, who ſerved God in Chaſtity.

29. *Paul* ſays of Biſhops. *It behoves a Biſhop to be in all Reſpects blameleſs, as a Steward of God, not proud, not angry, not* [d] *given to Wine, no Striker, not covetous of filthy Lucre, but hoſpitable, kind, ſober, holy,* &c.

[d] *Vinolentum*, CCCC MS. not *violentum*, as Sir *H. S.* and his MS.

30. The Apoſtle alſo. *It behoves a Biſhop to have the good Teſtimony of them that are without, that he may adorn the Doctrin of God in all reſpects.*

31. From the great Synod [e] of ſubintroduced Women. The great Synod wholly forbids the Biſhop, Prieſt, and Deacon, and every one in the Clergy, to have a [f] ſubintroduced Woman.

[e] *Ex concilio Niceno*, is added by Sir *H. S.* and is not in the MS.

[f] I cannot but think that *Martin* of *Braga* beſt explains the Canon of *Nice*, in this Point, when by the *ſubintroduced Woman*, he underſtands an *adoptive*, *pretended Siſter*, or the like. See his 32d Canon.

32. Alſo. The Canons teach, that if any Man marry a Widow, or an abandon'd Woman; or if he marry a ſecond Wife, he never be made Deacon or Prieſt.

33. Alſo. Let the Biſhop, Prieſt, or Deacon, that hath been caught in Fornication, Perjury, Theft, or Murder, be depoſed.

34. The Inſtitutions of the Holy Fathers. Biſhops muſt take care, that they being rooted and grounded in Love, keep true Peace, and entire Concord between themſelves, ſo that ther be as it were, one Heart and one Soul among them all [g]; and

[g] Here ends this Canon in CCCC MS.

and one perfect Doctrine of true Faith in the Mouth of all. [h] A Chasm.

[h] It is no small Demonstration, that the MS. now in the *Cot.* Library, was Sir *H. S.*'s Original, that at this Place there is a Chasm in both.

35. Nothing ought to be lodged in a Church, but what belongs to the Ecclesiastical Ministrations. For it is written in *Deuteronomy*, *Thou shalt not plant a Grove, nor a Pillar, near the Sanctuary of the Lord.*

36. He begins [to treat] of the Sabbath. God, the Creator of all Things, created Man on the sixth Day, and on the Sabbath he rested from his Works, and sanctified the Sabbath, for a future Signification of the Passion of Christ, and of his Rest in the Grave. He did not rest, because he was tired; for he made all Things without Labour; and his Omnipotence can never be weary; and he so rested from his Works, as not to make any other Creatures afterwards, but such as he had made before; but such Creatures as he had before made, he makes every Year, to the end of the World. He creates Men, both as to Body and Soul, he creates Animals, and Beasts, without Souls: Every human Soul is given by God; and he renews his Creatures, as Christ saith in the Gospel, *My Father worketh until now, and I also work.* Christ suffer'd for us in the sixth Age of the World, and on the sixth Day; by his Passion, and by the Miracles done by him, he made anew Undone Man. He rested the sixth Day in the Grave; and sanctified the Lord's-day, by his Resurrection. For the Lord's-day is the first Day of the World, and the Day of Christ's Resurrection, and of *Pentecost*, and therfore it is Holy, and we ought spiritually to sabbatize, that is, to cease from servile Work, that is, from Sin, *For he that commits Sin, is the Servant of Sin.* But because we cannot be without Sin, let

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us beware of it to our Power, and amend whatever we have done amiss. Let us give good Example to our Subjects, and correct our selves, and our Subjects, and continually exhort them to what is good. Amen.

37. An *Item* of the Holy Fathers. All must be careful to [a] celebrate *Easter*, at the certain Season, *viz.* after the fourteenth Moon of the first Month.

[a] The Calculation of *Easter* was not yet so exactly settled, but that ther was a Variation in the observing of this Feast. The Council of *Toledo* complain of this in the Year 633. *c.* 4. *In paschalis solennitatis observatione solet in Hispania varietas existere prædicationis:* Therfore they order an annual Synod to settle it.

38. The Synod of *Agde.* [b] Such Seculars as do not communicate on the Nativity of the Lord, on *Easter*, and *Pentecost*, are not to be esteemed Catholicks.

[b] This, probably, was the first Establishment of the Custom of Communicating three times a Year, *viz.* at the Synod of *Agde*, *A. D.* 506. *Calvin* says the Devil was the Author of this Law.

39. The *African* Canon. [c] Penitents ought not, according to the Canons, to Communicate before they have finish'd their Penance. But we for the Mercy of a compassionate God, do grant License to some, after a Year, or two, or three.

[c] The first Part of this Canon is very rational, upon Supposition that ther could be any Occasion for making it, as I hope ther was not, during the first four Centuries, when all the *African* Canons were made. But the Permission of Penitents to receive the Sacrament, is a Contradiction to primitive Discipline; yet I suppose it was certainly practis'd by the beginning of the sixth Century, at furtheſt, when *Dionysius Exiguus* publish'd the *Decretals*. See *Decr.* of *Innocent* 7.

40. An *Item* of the Holy Fathers. Let Priests give the Sacrament of Baptism promiscuously to all

all that want it; and forthwith succour all that desire Penance, requiring no Pay for it, unless they or their Parents, or [d] Fosterers, freely give somewhat. But if any one attempt to oppose these our Institutions, let him feel the Punishment of Excommunication, or long bear the Confinement of a Goal.

[d] Lat. *Eleemosynarii.*

41. A Canon of the Fathers. As to Infants, when no certain Witnesses of their Baptism are found, and they, by reason of their Age, can make no proper Answer, concerning the [e] Sacraments having been given to them; it seems fit that they be baptized without Scruple, lest thro' Hesitation they be deprived of the cleansing Virtue of the Sacraments.

[e] Baptism, in this, and the foregoing Canon, is called Sacraments, in the Plural Number, as the Eucharist also often is. Sacraments is the same with Mysteries or solemn Rites, and ther were several such in Baptism, as then administred: And ther was a further Reason for it still, *viz.* that in the old *English* Church, the Eucharist was given to Children, presently after Baptism.

42. An *Item.* [f] Ther are some who mingle Wine with the Water of Baptism, not rightly. And Christ commanded to baptize with Water, not with Wine.

[f] Yet some Popes have allowed, that Baptism may be performed with Wine, in Case of Necessity. See Mons. *Petit*'s Collections, annex'd to the *Penitential* of *Theodore*, *p.* 159.

43. The Apostles Canon. If any Bishop, Priest, or Deacon, obtained this Dignity with Money, let both him and his Ordainer by all means be deposed, and cut off from Communion, as *Simon Magus* was by *Peter.*

44. An *African* Canon. Let not a Bishop ordain Clerks, without a Council of Priests.

45. A Canon. Let the Bishop hear no Cause, but in Presence of his Clerks, [g] excepting the Case of Confession.

[g] This Exception is not in the CCCC MS.

46. The *Carthaginian* Canon. Let the [h] Rector do nothing without Consent of his Brethren. For it is written, *Do all things with Advice, and thou shalt not repent afterwards.*

[h] The Abbot, or Superior of any Religious Body.

47. [i] *Ulpian* the Bishop says. That Decree cannot be valid, which has not the Consent of the most.

[i] Sir *H. S.* here has *Canon.* But my Friend assures me, that *Episcopus dicit*, is very legible in the MS. *Ulpianus* hardly discernible; yet he and another Gentleman skilful in MSS. did so read it: Who this *Ulpian* was, I cannot guess. CCCC MS. reads, *Cyprianus Episcopus dicit*: This is the most probable. St. *Cyprian* hath several Passages to this Purpose. The 46 and 47 Canon have no other Title in this MS.

48. The *Roman* Canon. If Disputes arise in any Province, let them be referred to the greater See, or to a Synod, or to the [k] Apostolical See of *Rome.*

[k] By this Canon Appeals might be made to *Rome*, from the Bishop, without first applying to the Primate, or greater See. *Ecgbriht* had obtained from the Pope, the Honour of the Pall, and thought himself bound to make the best Requital he cou'd, to the See of *Rome*, for that Favour. Yet Appeals to *Rome* were seldom used, till after the Conquest. *Wilfred, Ecgbriht's* Predecessor, had appealed to *Rome*, to recover his Bishoprick, and tho' the Pope pronounced for him, yet he could never get Possession of his See, till a while before his Death, and then he did it by the King of the *Northumbrians* Authority, rather than the Pope's.

49. The

49. The Bishop's Canon. Let not the Bishop deprive any Man of the Communion rashly, lest [a] one Bishop receive that Clerk or Layman to Communion, by a just Judgment, whom another Bishop hath cast out of the Church.

[a] Sir *H. S.* supplied *ne* before *justo*, in his Edition, and took it from before *quem*, in the next Line. The CCCC MS. is, *Et nec quem alius, &c.* without *justo judicio:* Then the Sense is agreeable to that of older Canons, *viz. That one Bishop do not receive that Man to Communion, who has been expell'd from the Church by another*; tho' *et* does but serve to obscure the Words.

50. A *Nicene* Canon. Let no one surreptitiously Ordain a Man who belongs to another, in his own Church, without Consent of him to whom he belongs.

51. A *Calcedonian* Canon. That no one be Ordained without a Title, nor without pronouncing the Place to which he is to be Ordained.

[b] Let no Altars be consecrated by Unction with Chrism, unless they be of Stone.

[b] The CCCC MS. justly makes this a distinct Canon; with this Title, *Canon Epaonensis.* And it is the Sense of the 26th Canon of *Epone*, in the Year 517.

52. [c] A Canon of *Epone.* Let not Oblations be celebrated by Bishops, or Priests, in unconsecrated Houses.

[c] CCCC MS. has here, *Canon Laodicænensis*; and it is indeed the 58th of *Laodicea.* I find no such Canon in the Council of *Epone.*

53. The Canon of the Saints. [d] Let no Man

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[d] This is a known *African* Canon: But what Occasion ther could be for reviving this Canon here in *England*, at this Time, it is not easy to say; except you will suppose, that some *English* Priests, or Bishops, attempted to bring some of the *Gotho-Francic* Offices in Use here. For in them the Oblation is sometimes made to the Son, contrary both to Reason and Antiquity.

in the Prayers, mention the Father for the Son, nor the Son for the Father. But in officiating at the Altar, let Prayer be always addreſs'd to the Father.

54. [e] An *Item.* It is ſufficient for a Prieſt to celebrate one Maſs a Day, becauſe Chriſt once ſuffer'd, and redeemed the World once. And it is written in *Leviticus*, that [f] *Aaron ought not to go aſſiduouſly into the Holy Place.*

[e] *Canon*, Sir *H. S.* but 'tis not ſo in MS.

[f] *Levit.* xvi. 1, 2.

55. [g] A Canon of *Orleans.* Let the Biſhop give Food and Raiment, to the utmoſt of his Power, to the poor and infirm, who cannot labour with their Hands, by reaſon of Weakneſs.

[g] *Conc. Aurelian. A. D.* 509. or 511. *c.* 18.

56. *Theodore* ſays. It is ordained, that without the Authority and Conſent of the Biſhops, Prieſts are not to be conſtituted in any Churches, nor to be driven out of them: And if any one attempt to do this, let him be ſtruck with a Sentence of the Synod.

57. The Biſhops Canon. Let Biſhops by no means be more Drudges to Secular Buſineſs, than to the Service of God: (Far be this from them:) But let them eſpecially attend the Cure of Souls; that, according to the Apoſtle, they may reform the People of God by their Examples, and inſtruct them with preaching of ſound Doctrine.

58. A Canon. Let Clergymen, as entire Subjects of the Biſhops, pay them due Obedience, and not elevate themſelves with an Affectation of Gaſconade.

59. A Canon of *Calcedon.* If any Clerks, or Monks, are diſcover'd to enter into Conſpiracies, or Treacherous Deſigns againſt the Biſhops, let them be wholly degraded.

60. A

60. A *Nicene* Canon. If any one receive the Clerk, or [h] Monk, of any Biſhop, without his Conſent, let him be deem'd Sacrilegious, and be ſuſpended from Communion, till he reſtore the Clerk, or Monk, to his proper Biſhop. But if the Clerk contumaciouſly [i] refuſe to return, let him be Anathema.

[h] The Council of *Nice* takes no Notice of Monks, nor were ther any ſuch Men as Monks, at that Time. See *Can. Nic.* 16.

[i] *Voluerit*, Sir *H.S.* and his MS. *Noluerit*, CCCC MS.

61. An *Iriſh* Canon, Let him who lifts up his Hand with Spear, or Sword, to ſtrike any Man near a Biſhop, redeem his Hand, or loſe it; but if he have wounded him too, let him ſhave his Head, and Beard, and [k] ſerve God; yet firſt let him make Satisfaction to the Biſhop, and to the Party whom he hurt: But if any Man hurt a Clerk, or any of the Eccleſiaſtical Order, let him make Satisfaction ſevenfold, in Proportion to the Order [he is of] and do Penance according to the Dignity thereof; or elſe let him walk off as an Exile from his Country. For the Lord ſays, by his Prophet, *Touch not mine anointed*, &c.

[k] *To ſerve God*, that is, become a Monk.

62. A Canon of *Orleans*. Let Abbots, according to their religious Humility, continue under the Power of their Biſhops; and if they tranſgreſs their Rule, let the Biſhops correct them: And let them meet once a Year, upon the receiving of a Summons from the Biſhop, at the Place which he ſhall chooſe. Let the Monks ſubject themſelves to the Abbots, with a moſt devout Obedience. But if any thro' Contumacy do otherwiſe, or wander about from Place to Place, or preſume to have any Property of his own, let all he has got be taken

away by the Abbot, according to the Rule, for the Profit of the Monaſtery. Let the Wanderers themſelves, [a] where they are found, be put under Cuſtody, as Renegades, by the Help of the Biſhop. And let him who does not lay ſuch Perſons under a regular Reſtraint, know that he ſhall be anſwerable for it to the Abbot; as alſo he who receives a Monk that belongs to another.

[a] *Ubi inventi fuerint* is wanting in Sir *H. S.* and his MS. but is in CCCC MS. and in the 21 Canon. *Concil. Aurel.* beforementioned.

63. A Canon of *Orleans*. If any Abbot be not cautious in his Government, humble, chaſte, ſober, merciful, and diſcreet; and do not expreſs the divine Precepts, both by his Doctrin, and Example, let him be deprived of his Honour by the Biſhop, in whoſe Territory he is, and the neighbouring Abbots, and others that fear the Lord, altho' his whole Congregation, conſenting to his Vices, deſire to have him their Abbot.

64. A Canon of the [b] Apoſtles. If an Abbot be a Tranſgreſſor of the divine Commands, and a Scorner of the Holy Rule, let him be deprived of the Honour of an Abbot, by the Biſhop of the City, with Conſent of the Abbots, and other Monks that fear God. It is fit that the Biſhop of the City ſhou'd take a proper Care of Monaſteries, as the great Synod of *Calcedon* decreed.

[b] *Epiſcoporum*, CCCC MS. a much better reading.

65. Pope *Leo* ſays. The Vow of a Monk can in no wiſe be relinquiſh'd. For one ought to pay to God what he has vow'd: [c] For the *Pſalmiſt* ſays, *Vow, and render to the Lord.*

[c] *Namque*, Sir *H. S.* and MS. *quoque*, CCCC MS.

66. *Theodore* ſays. Let not Monks go from Place to Place, but continue in that Obedience, which

which they promiſed at the Time of their Converſion.

67. *Fructuoſus* [d] ſays. Let the Monk, that is a Violator or Scorner of the Holy Rule, or that is in a filthy manner [e] a Suiterer of young Boys, be publickly whipt, loſe the Crown which he bears on his Head, and being ſhorn bald, be expoſed to the baſeſt Reproaches; or being bound with Iron Chains, let him be macerated with a [f] cloſe Impriſonment.

[d] CCCC MS. adds, *Biſhop*, and he was indeed Biſhop, and Archbiſhop, in *Spain*.

[e] Sir *H. S.* and his MS. have *aut* here, which CCCC juſtly leaves out.

[f] *Carceruli Anguſtiâ*, Sir *H. S. Carcerali*, both MS.

68. A Canon of *Agde*. If any Monk have committed Adultery, or Theft, (which may rather be called Sacrilege) we doom and ordain him that is guilty of ſo great a Crime, to be whipt with Rods, and never enter into the Clerical Office. But if when he is already a Clerk, he be caught in ſuch a Crime, let him be deprived of the Dignity of that Title.

69. The Biſhop of *Aurelia* ſays. Let Monks never have Fleſh in Commons: Animals, either young, or full-grown, are never to be ſerved up at the Table in the Congregation: They may be provided for, and eaten by them that are infirm only.

70. *Iſidore* the Biſhop ſays. [g] An Abbot, or Monk, may not give Freedom to a Slave of the Monaſtery: For it is impious that he ſhou'd damage the Church, who hath given nothing to it.

[g] This is alſo forbidden by ſeveral of the Councils of *Toledo*, particularly that in the Year 633; they might in ſome Senſe be freed, indeed, but not to be at their own Diſpoſal, as other freed; but like the *Servi Aſcriptitii*. See Canons of that Council, 67, 70.

71. A Canon. If any Bishop, Priest, or Minister, take any of those Things away from the Church, which the Faithful do give in any Place, he shall with Confusion restore the Plunder, and [h] undergo the Sentence of an annual Excommunication.

[h] This is an Abridgment of the 1st Canon of the Council held at *Toledo*, in the Year 693. The same Punishment is inflicted by the 11th Canon of the Council held there 691, for refusing to be determin'd by the Majority of an Ecclesiastical Assembly. *Annua Excommunicatio*, may, perhaps, signify an Excommunication to last one Year; but it seems rather to denote, a Sentence pass'd once a Year, *viz.* at the beginning of *Lent*, and relaxed on *Maundy-Thursday*. CCCC MS. hath *aimæ*, for *annuæ*, a mere Blunder.

72. An *Irish* Canon. Let Restitution fourfold be made for the Goods of the Church, stollen, or plundered, double for the Goods of common Men.

73. [i] An *Irish* Canon. If one have stollen Goods from the Church, let the Lot be cast, whether the [Thief's] Hand be cut off, or he be thrown into Gaol, there long to fast and mourn: And let him restore what he had taken, or be sent into Banishment,

[i] This Canon may justly be deem'd to have come from *Ireland*; for it savours of the Barbarity of that People: And yet it agreed well enough with the Temper of *Ecgbriht*, and the *Northumbrians*: For in the *Formulæ veteres*, following these *Excerptions*, in the *Cott.* MS. in the Chapter, *De improviso judicio secularium*, you have the following Directions, "Some are to be chastised "with Fetters, and some with Scourges, others are to be "distrest with Hunger and Cold; let others endure the "Reproach of losing their Skin, Hair, and Beard, all at "once; let others be yet more sharply distrest, that is, "let them undergo the Loss of an Eye, Nose, Hand, "Foot, or other Member." The Truth is, this Practice of pulling the Skin of the whole Head off, was so familiar, among our Ancestors, that they had a single Word, or Term of Art, whereby to express it, *viz.* Hættian.

ment, and make double Reſtitution. But if he ſtay in his own Country, let him make fourfold Reſtitution, and do perpetual Penance.

74. A Canon of *Toledo.* If a Clerk be caught demoliſhing of Sepulchres, let him be removed from the Clerical Order. If any one [elſe] violate a Sepulchre, let him do ſeven Years Penance, three of them in Bread and Water.

75. [k] A Canon of *Eliberis.* They that fly to the Church for Refuge, ought not to be forced from thence; but their Lords may [l] perſuade them to be gone, by promiſing their Interceſſion. But if the Lord inflict any Puniſhment on them, when they ſo go out, let him be deemed an Enemy, and Excommunicated. If any Man do hurt to a Man under Church-Sanctuary, or [m] under the Seal of Sanctity, let him make ſevenfold Satisfaction, and Reſtitution, and likewiſe continue ſeven Years in hard Penance; otherwiſe, he is to be Excommunicated from the whole Catholick Church,

[k] Sir *H. S.* and his MS. have *Canon Hibritan*; which he underſtood as if it had been *Hibern*; but the CCCC MS. has *Heliberitan*; yet ther is no ſuch Canon among thoſe of *Eliberis*; And if that Council were held, as it is pretended to have been, before *Conſtantin*'s Converſion, it is impoſſible that ſuch a Canon ſhould be there made, for Sanctuary is a Civil Privilege. But ther are ſeveral Canons cited by old Collectors, as from Latin Councils, which yet are not found in the moſt approved Copies. And ſome of the Canons now called *Eliberitan*, were by them entitled *Hibern*, as if they had been made in *Ireland.*

[l] CCCC MS. has *exire perſuadeant.*

[m] That is, ordained to the Clergy, or ſhorn for a Monk. This whole Clauſe is wanting in the CCCC MS.

76. *Jerom* ſays. The Church defends ſuch as ſhe receives into her Boſom, like an Hen, which broods and defends the Chicken that are, or that

are

are not her own: So the Church ought to defend all that flee to her.

77. An *Irish* Canon. Let him who kills a Man within the Verge of a Monastery, get him gone into Banishment, with Damnation: Or else quitting his Arms, and shaving his Head, and Beard, let him serve God the rest of his Life: Yet let him first make Satisfaction to God, and the Kindred [of the Party murdered.]

78. *Jerom* says. They who sin in a consecrated Place, are to be slain there. *Phinees* kill'd the Man and the Whore in the Camp; ([a] as *Matthias* did the Jew, who sacrificed to an Idol.) The Holy Places defend not him who pollutes what is Holy. Christ scourged the Malefactors in the Temple.

[a] The Words in this Parenthesis are not in CCCC MS.

79. *Jerom* says. He that strikes evil Men, because they are evil, is a Minister of the Lord.

80. *Jerom* also says. To punish such as are guilty of Murder, and Sacrilege, is not shedding of Blood, but an Administration of the Laws. He hurts the Good, who spares the Bad.

81. A Canon of *Orange*. All Religious Offices are to be administred to [b] Idiots.

82. A Canon of *Carthage*. Let Exorcists lay Hands on the Possest every Day.

83. A Canon of *Orange*. They who are sometimes notoriously [c] possest, are not only not to be admitted to any Clerical Order, but, if some such are ordained, they are to be repell'd from the Office conferr'd on them.

[b] Lat. *Amentibus*. *Canon Arausf.* 13.

[c] Lat. *Arrepti*, Sir *H. S.* and the MSS. but in the Council of *Orange*, it is, *Energumeni*.

84. A Canon of *Carthage*. Let him who goes out of the Auditory, while the Priest is preaching, be Excommunicated.

85. A

85. A Canon of *Carthage*. Let not a Layman dare teach in the Presence of Clergymen, [c] unless it be at their Request.

[c] Lat. in Sir *H.S.* and both MSS. *nisi ipsis provocandis*, but in Can. 98. IV Council of *Carthage*, *nisi ipsis rogantibus*.

86. [d] *Isidore* says. Let not the worldly Wise, how wise soever, condemn the Ecclesiastical Judicature.

[d] This Canon is without Title, in CCCC MS.

87. A Canon of *Carthage*. Let not a Woman, tho' Learned and Holy, dare to teach Men in the Assembly.

88. A Canon of *Carthage*. Let the Bridegroom and Bride, be offer'd by the Parents, and Bridefolk, to receive the Priest's Benediction: And let them remain Virgins that Night, in [e] Honour to that Benediction, when they have received it.

[e] I am sorry to see such a Superstition countenanced by so early a Council: But so it is in Canon 13, of the 4th Council of *Carthage*.

89. A Canon says. That a Priest ought not to be present at a Feast made on Occasion of a second Marriage; especially when it is required, that Penance be laid on second Marriages.

90. Pope *Gelasius*. The Holy Veil ought not to be put on Virgins, or [f] Widows devoted to God, except on the *Epiphany*, or *Low-Sunday*, or on the Nativity of an Apostle, unless they be dangerously sick, (as has been said in Relation to Baptism) then let it not be denied them, if they implore it, that they may not pass out of the World without this Gift.

[f] *Viduis* is wrote with a late Hand, in Sir *H. S.* MS.

91. A

91. A Canon of *Carthage.* It seems fit, that a Man be not ordained Deacon, nor a Virgin consecrated, before they be twenty-five Years of Age, [g] unless a reasonable Necessity compel.

[g] This Exception is not in the 4th Canon of the third Council of *Carthage.* Yet some Copies add another Exception, *viz. Unless they be well instructed in the Scripture from their Infancy*, &c.

92. *Basil* the Bishop. [h] Yet Infants ought to be received, with the Will and Consent of their Parents, or rather offer'd by them before many Witnesses.

[h] *Tam*, Sir *H. S.* and his MS. *tamen*, CCCC MS. But *Basil* declares directly against this, *Can.* 18.

93. *Isidore.* Whoever hath been settled in a Monastery by his own Parents, let him know, that he is always there to remain. For *Hanna* offered her Son *Samuel* to God, when a Child, and now weaned; and he continued in the Ministry of the Temple.

94. A Canon of the *Romans*, and *Francs.* A Boy, till he is fifteen Years old, is to be chastised with corporal Discipline, for his Crimes: Whatever Crime he commits afterwards, or if he steal, let him make Restitution, and pay according to Law.

95. A Canon of *Neocæsarea.* Let no one, in any Case, be ordained Priest, before the thirtieth Year of his Age, unless reasonable Necessity compel; because the Lord Jesus preached not before the thirtieth Year of his Age.

96. A *Nicene* Canon. [i] That a Bishop be ordained

[i] This is a Jumble of the 4th Canon of *Nice*, and of the 6th of *Sardica*; or rather, of some part of each. That of *Sardica* was misunderstood; for it was meant of creating Bishopricks, by the *Sardican* Fathers, but here understood of ordaining Bishops. That Bishops shou'd be ordained on the Lord's-Day, is no part of either Canon.

dained by the Biſhops of the whole Province, if it be poſſible: If this be difficult, however not by fewer than three. Ordinations of Biſhops ought to be on the Lord's-days, not in the Country, or ſmall Towns, but in the chief Cities, in regard to the Dignity of ſo great a Title.

97. But [let the Ordination of] Prieſts and Deacons, be on the [a] Sabbaths of the four Seaſons; that this Ordination being performed in the Preſence of the People, the Reputation of the Elected, and Ordained, may be debated under the Teſtimony of all.

[a] *Saturday* in the *Ember*-Week (becauſe the Faſt was not then ended) was thought the moſt proper Seaſon for ordaining Prieſts and Deacons: But the Ordination was not to begin till toward Evening, and it was not to be compleated till the Lord's-day Morning, before the Faſt was broken.

98. The Canon of the Saints. Let the Prieſts of God always diligently take care, that the Bread, and Wine, and Water, (without which Maſſes cannot be celebrated) be pure, and clean: For if they do otherwiſe, they ſhall be puniſh'd with them who offer'd to our Lord Vinegar mix'd with Gall, unleſs true Penitence relieve them.

99. Of Tithes. It is written in the Law of the Lord, *Thou ſhalt not delay to offer thy Tithes, and Firſt-fruits.* [b] And in *Leviticus*, *All the Tithes of the Ground, and of the Trees, are the Lord's, Oxen, and Sheep, and Goats, which paſs under the Rod of the Shepherd, whatſoever is the Tenth, ſhall be ſanctified to the Lord: neither the good, nor the bad ſhall be choſen, nor ſhall any Change be made.*

[b] Here this Canon ends in CCCC MS.

100. *Auguſtin* ſays. Tithes are the Tribute of the Churches, and of needy Souls. The Lord, O Man! demands Tithes of that whereby thou liveſt:

Pay

Pay Tithes of what thou getteſt by bearing Arms, by Trade, by Handicraft. Our God is not indigent, he requires not Gifts, but Honour.

101. An *Item* in the Law. *When thou reapeſt the Corn of thy Land, thou ſhalt not cut it cloſe to the Surface of the Ground, nor gather the Ears that remain, neither ſhalt thou gather the Bunches and Grapes that fall down in thy Vineyard, but thou ſhalt leave them to be gleaned by the Poor and Stranger.*

102. Alſo in the Law. *If thou come into the ſtanding Corn of thy Friend, break off the Ears, and rub them in thy Hand, but reap them not with a Sickle.* This our Saviour's Diſciples alſo did; they rubb'd the Ears of Corn in their Hand, and eat them on the *Sabbath*, as the Goſpel ſaith.

103. An *Item* in the Law. *When thou goeſt into the Vineyard of thy neighbour, thou ſhalt eat as many Grapes as thou pleaſeſt; but carry none out with thee.*

104. An Inſtitution of the Fathers. Men muſt do nothing on the Lord's-day, but attend on God with Hymns, and Pſalms, and ſpiritual Songs. [c] And all the Days of *Eaſter*-Week are to be obſerved with equal Devotion.

[c] The following Clauſe is not in CCCC MS. Yet the Obſervation of the whole *Eaſter*-Week was injoined by the 2d Canon of *Maſcon*, in the Year 588.

105. A Canon of *Orleans*. We think it reaſonable to be obſerv'd, for Mercy's ſake, that they who are impriſon'd for any Crime, be look'd after by the Archdeacon, or [d] Reeve of the Church, every Lord's-day, that the Straitneſs of them that are in Bonds may be mercifully relieved, and competent Victuals be given them by the Biſhop, from the Houſe of the Church.

[d] The Reeve of the Church was the Biſhop's Steward for Secular Affairs; the 20th Canon of *Orleans*, in the Year 549, or 550, is almoſt in the ſame Words.

106. An

106. An *Item.* Let him that [e] commits the Conjugal Act on Lord's-day Night do Penance seven Days; let him that does it on *Wedneſday* or *Friday*, do Penance three Days; he that does it in the *Lent* before *Eaſter*, let him do Penance a Year.

[e] Lat. *nupſerit:* Some later Hand has written over this Word, *ſc. cum pompâ conjugii*, as if it were meant of ſolemnizing Marriage; whereas *nubo*, in the Canoniſts of this Age, eſpecially in the Penitentiary Canons, does generally ſignify as I have tranſlated it in the Text: They frequently ſpeak, *De nubendo maſculis, Brutis, &c.* And the mentioning of *the Night*, determines the Word to this Senſe. In *Bede, de Remed. Peccator. c.* 2. you have theſe Words, *Qui in Eccleſia conſecrata nubunt*----- 3 *dies pœniteant. Petit's* Collections on *Theodore's Penitential*, is full of the like Expreſſions.

107. An *Item.* Let no one preſume to break publickly enjoined Faſts, leſt he incur the Wrath of God.

108. [f] From the Council of *Brague.* Religious Men ought not to take Victuals, nor to go to Meals, till the third Holy Hour of the Day: Nor ſhou'd Clerks eat Bread at any time, till they have firſt

[f] This Canon is written with a later Hand, in Sir *H. S.*'s MS. in the *Cott.* Library, and in the Margin, not in the Text; and the Word *horam* is omitted in the Interpolation. It is to be fear'd, that the Interpolator did not underſtand the Canon. It is the 65th Canon of *Martin* of *Braga*, and ſent by him to the Council at *Lugo*, in the Year 572. In that Age ther were but ſix Canonical Hours, Nocturns, and Mattins, before Day, Tiers, Midday, Nones, and Veſpers, for the Day. Nones was the third Holy Hour, or Time of Prayer. But by the Time of *Ecgbriht*, and *Cuthbert*, *Prime* was added, therfore then Nones was the fourth Holy Hour of the Day.

firſt ſaid an Hymn, and [f] after Meat they ſhou'd give Thanks to the Donor.

[f] The *hiatus*, before *poſt*, and in the Word *Bracarenſi*, and the want of ſeveral other Letters in the MS. itſelf, was occaſion'd by the cutting of the Margin, when the Book was bound; as my Learned Friend aſſures me.

109. A Canon of the Saints. Let them who are married, contain themſelves for three Nights, before they communicate, and one afterwards. Upon which the Apoſtle ſays, *Defraud not one another, but by Conſent, that ye may for a time attend on Prayer.*

110. [g] *Gregory* ſays. If any one uſe his Wife, not out of Luſt, but for Procreation of Children, he is to be left to his own Diſcretion, either as to going to Church, or receiving the Myſtery of the Body and Blood of the Lord; for he ought not to be prohibited by us, ſince he may go to Church, according to the aforeſaid Determination. But becauſe the lawful Embraces of the married cannot be without the Will of the Fleſh, therfore ther ſhou'd for ſome time be an Abſtinence from entring into the Holy Place, becauſe ſuch a Will cannot be without Fault.

[g] See *Gregory*'s Anſwer to *Auguſtin*'s 8th Queſtion, *Art. 6.*

111. Of Marriage it is written in the Law. [g] *If a Man ſeduce a Virgin not betroth'd, and lie with her, he ſhall endow her, and take her to Wife.*

[h] *Exod.* xxii. 16.

112. *Auguſtin* ſaith. As he who takes a Wife, deſires to find her a Virgin; ſo let him alſo keep his Virginity till Marriage.

113. Let young Men, when they come to the Age of Puberty, either marry, or profeſs Continence.

nence. Young Women at the same Age ought to observe the same Law.

114. *Paul* the Apostle says. *For [the avoiding] Fornication, let every Man have his own Wife, and every Woman her own Husband.* And let no one presume to separate lawful Matrimony. *What God hath joined, let no Man put asunder.*

115. *Paul* saith. *The Woman hath not Power over her own Body, but the Man; and the Man hath not Power over his own Body, but the Woman.*

116. The Synod saith. A Man may marry another Woman, a Month after the Death of his Wife; a Woman may take another Man, a Year after [the Death of her Husband.]

117. *Paul* the Apostle saith. *A Woman is tied by the Law, as long as her Husband liveth; but if her Husband die, she is free, let her marry to whom she will, but only in the Lord. But she will be happier if she so remain.*

118. [a] Also an *African* Canon. Lawful Matrimony may not be separated, without Consent of both Parties: But one may give Leave to the other to enter into the Service of God, with the Advice of the Bishop. Some also say, if an Husband or Wife, by Consent become Religious, the other, being very young, if not able to contain, may engage in a new Marriage; which I do not approve. But tho' a married Man is willing to be converted to a Monastick Life, he is not to be admitted, unless he be first loosened by his Wife's professing Chastity also. For if she, thro' Incontinency, marry another, while he is alive, she will be an Adultress, beyond all doubt: And he who hath dismissed her, will be Partaker in her Sin.

[a] One may dare pronounce this to be no *African* Canon, without making any Enquiry: But the worst part of it is attributed to *Jerom*, in *Excerptions* according to the CCCC MS. which see.

119. An *Item* concerning lawful Matrimony. Let no one presume to separate lawful Matrimony, but by Consent of both, and for Love [b] of Christ, who saith, *He that hath left a Wife*, &c. *shall receive an hundredfold, and inherit eternal Life.* And let no Man dismiss a Wife for any Cause, but Fornication, because the Pharisees tempting our Lord Jesus Christ, *asked him, if it were lawful for a Man to divorce his Wife*, &c. —— till you come to those Words, *Whosoever divorceth his Wife, except for the Cause of Fornication, and marrieth another, committeth Adultery:* Therfore the Apostle says, *Let not a Woman depart from her Husband.* And again, *Art thou bound to a Wife? Seek not to be loosed. Art thou loosed from a Wife? Seek not a Wife.* It is elsewhere written, concerning Adultery, or Fornication [c], *He that retains an Adultress is foolish, and wicked.* [d] *Ezekiel* also speaks of casting out the Children of Adultresses, with their Mothers, *Cast out the fornicating Mother, and the Children of Fornication.* And *Augustin* says, *If a Woman commit Fornication, she is to be dismiss'd; but another is not to be married, while she is alive.* Where-ever then ther is Fornication, and a just Suspicion of Fornication, the Wife may freely be dismist; but otherwise, tho' she be Barren, Deformed, Rank, a Sot, a Shrew, Ill-behav'd, Luxurious, Senseless, Gluttonous, a Strowler, Impertinent, Slanderous, whatever she be, as you took her, you must have, and hold her: For the Apostle says [e], *when thou wast*

[b] That is, Of a Monastick Life.

[c] *Prov.* xviii. 23. LXX and Vulg.

[d] This Citation is interpolated by the same Hand that inserted *Can.* 108. and they are only in the Margin of the MS.

[e] The Apostle says something like this of himself, 1 *Cor.* ix. 19. but not in relation to Marriage. It is no extraordinary Thing, for the Writers of this Age to coin a new Text of Scripture.

waſt free, thou didſt of thine own accord put thy ſelf in a State of Bondage.

120. The *African* Canon. According to the Evangelical Diſcipline, neither let a Wife, diſmiſt from her Husband, take another Man, the former living; nor an Husband another Woman: But let them ſo remain, or be reconciled.

121. *Auguſtin* ſays. If a Woman commit Fornication, ſhe is to be relinquiſh'd, but another muſt not be taken, ſo long as ſhe lives.

122. A Canon ſays. If a Woman depart from her Husband, with a Contempt of him, refuſing to return, and be reconciled to him, he may take another Wife, after five, or ſeven Years, with the Biſhop's Conſent, if he cannot contain. [f] But let him do Penance for three Years, or even ſo long as he lives, becauſe he is convicted of Adultery, by the Sentence of our Lord.

[f] If it was a Crime, how cou'd the Biſhop's Conſent make it lawful? If it was not a Crime, what occaſion for Penance? Yet ſee *Theodore's Council, Can.* 10. with Note, in the Year 673. See *Theodore's Penit.* as publiſh'd by *Petit, c.* 11. *p.* 10. *Si cujus uxor Fornicata fuerit, licet dimittere eam, & accipere aliam----- Illa vero, ſi voluerit pœnitere peccata ſua, poſt duos annos alium accipiat virum; hoc eſt ſi in primo conjugio eſſent ſecundum Græcos. -----Si mulier diſceſſerit a viro, nolens reverti, & reconciliari viro, poſt quinquè annos, cum conſenſu Epiſcopi, aliam liceat uxorem ducere.*] Our Reformers allowed a Diſſolution of Marriage, for Deſertion, long Abſence, mortal Hatred, *&c.* and in all theſe Caſes permitted a ſecond Marriage. See *Reformatio Legum. Eccl. de Adulter. & Divorc. c.* 8, 9, 10.

123. An *Item.* If any one's Wife be taken captive, and cannot be redeem'd, let him take another, after ſeven Years: But if his own, that is, his firſt Wife, do afterwards return out of Captivity, let him receive her, and diſmiſs the latter.

Let a Woman do the ſame, if this happen to her Husband.

124. Of the Matrimony of Slaves. If the Maſter of a Male and Female Slave, join them together in Marriage, and one of them be afterwards ſet free, and the other cannot be redeem'd, the freed Party may (as ſome think) marry to another that is free; yet by the Sentence of our Lord, he is convicted as an Adulterer. Let him therfore, that does thus diſmiſs his firſt Wife, on account of human Servitude, and marry another that is free, do [g] Penance three Years, in Bread and Water, and do ſome ſort of Penance during Life: And let the Woman that does this, do Penance in like manner. If a Freeman marry a Female Slave of his own, or that belongs to another, he may not diſmiſs her, if they were firſt joined together by mutual Conſent: If he do diſmiſs her, and take another, whether bond or free, let him do Penance as above.

[g] Yet even in this Caſe, the ſecond Marriage holds, as to the *vinculum*, according to this Canon, and *Theodore, ubi ſupra, Maritus ſi ipſe ſeipſum in furto, aut Fornicatione, ſervum fecerit*, (this ſhews that the Puniſhment of Theft and Fornication, was Forfeiture of Liberty) *vel quocunq; peccato, mulier ſi prius non habuit conjugium, habet poteſtatem poſt annum alterum accipere virum.* In caſe the Husband, or Wife, were taken Captive, the Point was unſettled: It is declared, that the Husband, or Wife, may, after five Years, marry again; but upon the Return of the Captive, the firſt Marriage takes place, according to the firſt Determination; the ſecond, according to the ſecond.

125. Of Concubines. *Auguſtin* ſays, What a Thing is this, that many Men, before Marriage, are not aſhamed to take Concubines, whom, after ſome Years, they diſmiſs, and then take lawful Wives?

Wives? Therfore, before the Lord, and before his Angels, I teſtify and denounce, that God ever forbade ſuch Marriages, and that they never were pleaſing to him: And it never was, is, or ſhall be, lawful to keep Concubines, eſpecially in Chriſtian Times.

126. An *Item* in the Law. Let none defile themſelves with inceſtuous Conjunctions, becauſe it is written in *Leviticus*, *Let no Man go in to her that is near akin, to uncover her Nakedneſs.* And again, *The Soul that does any of theſe Things ſhall be cut off from the midſt of the People.* But they to whom unlawful Conjunction is forbidden, ſhall have the Liberty of entring into a better Marriage.

127. A Synod ſays. They who have been coupled in unlawful Matrimony, ought not, after Penance, to be in the ſame Houſe together, leſt they be coupled together out of Love.

128. Alſo a Synod, concerning the Marriage-bed of a dead Brother. Hear the Decrees of the Synod; let not a ſurviving Brother go into the Marriage-bed of his deceaſed Brother; ſince the Lord ſays, *They two ſhall be one Fleſh*; therfore the Wife of thy Brother, is thy Siſter.

129. *Gregory* ſays. If any Man marry a Nun, a Godmother, a Brother's Wife, a Niece, a Step-mother, a Couſin-german, a near Kinſwoman, or one with whom a near Kinſman has had [to do], let him be Anathema.

130. Alſo concerning ſuch as are near akin, *Gregory* thus anſwer'd *Auguſtin*'s Queſtions. (*This is the ſame with* Gregory*'s fifth Anſwer to* Auguſtin, *till you come to theſe Words*, ought to abſtain from each other.)

131. [h] An *Item*, concerning the rational Excuse. A long time after this, *Gregory* being ask'd by *Felix*, Bishop of *Messana* in *Sicily*, whether he had written to *Augustin*, that Marriages contracted by the *English* in the fourth Generation, shou'd not be dissolved, the most humble Father, among other Things, gave this Account of it, "What I wrote "to *Augustin* our Disciple, Bishop of the Nation "of the *English*, concerning the Marriage of near "Relations, we certify was written, not to others "in general, but to him, and to the Nation of the "*English*, just now come over to the Faith, in par-"ticular, And the whole City of *Rome* is witness, "that I wrote not to them with an Intention, "that they shou'd not be separated, if they mar-"ried such as were related to them in Blood, or "Affinity, even to the seventh Generation, after "they had once been settled and grounded in the "Faith; but while they were yet Novices, I *be-*"*gan* to teach them both by Precept, and Instances, "their former unlawful Deeds: And we ought in "Reason and Fidelity, to make an Exception a-"gainst what they shall afterwards do of this sort. "For in Imitation of the Apostle (who says, *I*

"*gave*

[h] I am little concerned whether this be true in Fact or not: But *the most impartial Papists* (says Dr. *Cave*) *esteem this Letter spurious*; and the first that attributes this to *Gregory*, is *Joanes Diaconus*, who wrote above an hundred Years after *Ecgbriht*; I mean, that he is the first, unless you will suppose, that this is a genuine *Excerption* of *Ecgbriht*'s. *Ivo*, and *Burchard* cite *Joanes Constantinopolitanus*, for saying this to *Felix* of *Messana*: *Gregory* the VIIth, and *Alexander* II. cite them as the Words of *Gregory the Great*, but they are too young Evidences in this Point. See *Causa* 35. *Quæst.* 3. *c.* 20. They are not in CCCC MS. my Reader will not wonder, if my Translation here does not exactly agree with Sir *H. S.*'s Text. I have, in several Particulars follow'd the Copy in the *Corp. Juris Canonici*, before hinted.

"*gave you Milk, and not ſtrong Meat*) we made this "Allowance for the preſent Time, not for the fu- "ture, that the kindly Seed might not be ſcorch'd "before it had taken Root, but might gain a gra- "dual Strength, and be preſerved till it came to "Perfection.

132. A *Roman* Canon. A Layman who defiles himſelf with an [a] Handmaid of God, or with his Godmother, or near Kinſwoman, or her with whom, perchance, his Kinſman hath had [to do], let him firſt be Anathematized, and afterwards do ſeven Years Penance; three [of them] in Bread and Water. Let the Woman do the ſame Penance. Becauſe Chriſtianity equally condemns Fornication in both Sexes.

[a] A Nun.

133. An *Item*. The Apoſtolical Pope *Gregory*, being preſent in Synod, before the Body of the moſt bleſſed *Peter*, ſaid, If any one marry a [b] Preſ- bytereſs, let him be Anathema.

[b] By the *Presbytereſs*, muſt be meant, an Abbeſs, or the Superior of ſome Convent of Women. See Decrees of Pope *Gregory* II. which were made not much more than 20 Years before *Ecgbriht's Excerptions* were com- piled.

134. An *Item*. If any Man marry a Nun, whom they call a Servant of God, let him be Anathe- ma.

135. [c] An *Item*. If any Man marry one of his own Kindred, or one with whom his near Kinſ- man has had [to do], let him be Anathema: And all anſwered, and ſaid, *Amen*.

[c] This Canon is in the Margin of the MS. in the ſame Hand with *Can.* 108.

136. An *Item*. If any one commit Fornication with two Women, related [to each other] firſt let

him be Anathematized, and then do Penance for seven, or ten Years.

137. [d] Also *Gregory* to Bishop *Felix*. We decree, That every one preserve his own Pedigree to the seventh Generation: And it is not, nor ever will be, lawful for a Christian to marry any, so long as they know them to be akin; and we will not be reproved either by [e] you, or others of the Faithful, because we indulged the Nation of the *English* in this Point, not by giving them a prescribed Rule, but a Permission: We did it, that they might not lay aside that Christianity which they had imperfectly received.

[d] See Note on *Can.* 131.

[e] *Nobis*, Sir *H. S. Vobis*, MS.

138. Concerning [f] Schemes. The Branches in the Pedigree of a Family, are called, *Schemes*, when the Degrees of Consanguinity are distinguish'd, *viz.* such an one the Father, such an one the Son, such an one the Kinsman, and so on; the [g] Manner of it appears, in what follows. And this Consanguinity, whilst it orderly parts it self by gradual Descents, and comes at last to the lowest Degree, and ceases to be what it was, the Law of Matrimony, by its Bond, brings it back again, and recals it, when it is now vanishing. It is for this Reason, that Consanguinity is continued to the sixth Degree of Relation, that as the Generations of the World, and the State of Mankind, is limitted to six Ages, so Propinquity of Stock may be terminated by the same Degrees. It is not therfore convenient, that any within these Degrees should be coupled in Matrimony; nor is it, or ever will it be lawful, for any Christian to marry

[f] Sir *H. S.* put *Stemmata*, for *Schemata*.

[g] This Canon was clearly put before a Tree of Consanguinity, as they call it, in the Book, where-ever it was, from whence it was transcribed into this Collection.

marry her, whom any nearly related in Blood have had to Wife before; becauſe ſuch inceſtuous Copulation is abominable to God. We read, it was long ſince ordained by the Fathers, that ſuch as are inceſtuous, ſhould not be call'd Husband, or Wife.

139. Pope [i] *Virgilius*. If the Altar be taken away, let the Church be conſecrated anew. If the Walls are only alter'd, let it be reconciled with Salt and Water: If it be violated with Murder, or Adultery, let it be moſt diligently cleanſed, and conſecrated anew.

[i] Read *Vigilius*. Ther is a Decree of his extant in his firſt Epiſtle, and in *De conſecr. Diſt.* 1. *c.* 24. relating to this Matter: But inſtead of *Altaria*, he has, *Sanctuaria*; by which, I ſuppoſe, is meant, the Relicks of Saints, without which no Church of Old could be conſecrated. But his Decree is very obſcure, and ther is very little Reſemblance between that, and this Canon.

140. Pope *Virgilius* [i] out of the Council of *Carthage*, *Gregory*. When any one, being a Clerk, comes to his Trial, if he deſire it, and ther be occaſion, let the Reſpite limitted by the Fathers, be granted upon his Requeſt, without Obſtruction, and let ſelected Judges be allow'd him by his Biſhop: If he at that Place fear the Violence of the raſh Multitude, let him chooſe a proper Place, where he may have his Witneſſes, if Occaſion be, without Fear, and bring his Cauſe to an Iſſue without Impediment, according to Canon, becauſe many Things uſed to happen by way of Sur-

[i] This Canon is clearly framed from Canon 15, 96, 121, 122, *&c.* of the *African* Code. For *ſe electi*, read *a ſe electi*, or *ſelecti*. In Sir *H. S.*'s Chaſm, my Friend reads, *a Patre*; which I tranſlate, *by his Biſhop*, according to the Senſe of the *African* Fathers. In the firſt Line of this Canon, Sir *H. S.* has *noluerit*, the MS. *voluerit*.

Surreption [a] ——— for Mercy is better than all Holocausts. We must not act in Ecclesiastical Causes, as in Secular. For in Secular Causes, he that is sued at Law, cannot withdraw, till he have appeared, and pleaded, and given his Answer, and the Cause be ended. But in Ecclesiastical, he may withdraw, if ther be Occasion, or if he see himself aggrieved, upon the hearing of his Cause.

[a] *Sententiam fratris quæ*, (so my Friend supplies this Chasm, from the MS.) *misericordiam vetat*, are to me unintelligible Words.

141. [b] In the *Nicene* Synod. It is ordained, that ther ought to be no Judges in Synod, but such as he who is impeach'd hath chosen, or such as his Primates have appointed, with his Consent, by the Authority of this Holy See: For it is an Indignity to him who ought to have Judges of his own Province, and chosen by himself, to be tried by Foreigners.

[b] This *Excerption* too is patch'd up out of the *African* Canons, 19, 20, *&c. By the Authority of this Holy See*, is owing to the Invention of the Interpolator.

142. The Gift, Sale, or Exchange of any thing belonging to the Church, made by the Bishop, without the Consent and Subscription of his Clergymen, shall be void.

143. Let no Monk presume to judge, or to receive a Secular Accusation against a Clergyman. If any one be convicted of attempting this, let him know that he is to be degraded, according to the Statutes of the Fathers [c], as an Exacter and Possessor of Usury. While any Man is under grievous Crimes, he cannot purge away the Sins of others, so long as he is laden with his own.

[c] I read, *Velut exactor fœnoris, aut usurarum possessor*, as Sir *H.S.* in Margin.

144. [d] A *Roman* Council. In the Time of *Conſtantine Auguſtus*, Pope *Sylveſter* aſſembled a Synod of ſeventy-three Biſhops at *Rome*, by whoſe Conſent and Subſcription, it was Ordained, That no Layman ſhou'd preſume to bear Teſtimony againſt a Clergyman: [e] Therfore let not Laymen be admitted againſt a Clergyman. Let not the Kindred, or Domeſticks of the Informer, give Evidence againſt others who do not belong to the Family; nor let ſuſpected Informers, or Witneſſes, be admitted; becauſe Affection toward Kinſmen, Maſters, and thoſe of the ſame Family, is prejudicial to Truth in many Caſes. But Parents, if they will, and it be mutually agreed, may teſtify [againſt their Children] [f] not againſt others: For Carnal Love, and Fear, and bitter Hatred, do often cloud Mens Senſes, and pervert their Thoughts.

[d] This Council is entirely a Forgery.

[e] The Decree of this pretended Council goes no farther, and this indeed, is more than enough. Ther can nothing be ſaid in Defence of ſuch a Law, but that Laymen were by another forged Decree exempt from having any Accuſation or Teſtimony given againſt them by a Clergyman. See *Cauſ.* 2. *Quæſt.* 7. *c.* 2, 6.

[f] That is, I conceive, not againſt others in Behalf of their Children.

145. Of ancient Matrimony. It is ſufficiently plain, that the Sons of *Adam*, in the beginning of the World, could marry none but their own Siſters, and thoſe who were nearly related to them in Blood. But it was always unlawful from the Beginning, to violate one's Father's Wife, or Concubine; therfore the Patriarch *Jacob* ſaid to his Son *Reuben*, [g] *Thou art poured out like Water; mayſt thou not thrive, becauſe thou wenteſt up to thy Father's Bed, thou haſt defiled my Couch:* Therfore the Apoſtle *Paul*, the Doctor of the *Gentiles*, wrote of ſuch Sacri-

[g] *Gen.* xlix. 4. according to vulgar *Lat.*

Sacrilege, in these Words, *It is reported, that there is Fornication among you, and such Fornication as is not among the Gentiles, that one should have his Father's Wife: And ye are puffed up, and have not rather mourned, that he who hath done this Deed might be taken away from among you.* For the Apostle [h] judged, that he should be taken away from among Christians, who violated his Step-mother, saying, that such Wickedness was not done among the *Gentiles*, that is, the *Pagans:* It is true, and sufficiently evident, that God Almighty, in the Law of *Moses*, forbad to marry the Wife of a Father, Brother, and near Kinsman, or to lie with her. But as to that which is written in *Deuteronomy*, *that a Man should take the Wife of his deceased Brother, and raise up Seed unto his Brother*, it is not to be understood carnally, but to be kept spiritually; and he is a blind Doctor, who does not understand the Difference between the *Old Testament*, and the *New*, but still walks up and down blindfold with the Mist of Antiquity, and knows not that the *Law and Prophets prophesied until John, &c.* and whoever, with the *Jews*, pursues the Letter only, continues without the reviving Spirit, and the Grace of Christ, and eats the Crust only, not the Crumb. Great is the Distance between the killing Letter, and the Spirit which giveth Life: And he is a very ignorant, idle, insipid Doctor, who after so long Time, and so many Commentators on the Law of *Moses*, who have been inspired by God, will yet Judaize, in Contempt of Christ, and all the Holy Doctors: For in *Deuteronomy* we read, that [i] *if Brethren dwell together, and one of them dies without Children, &c.* to those Words, *the House of him that hath had his Shoe loosed.* Now as to this which is written in *Deuteronomy*, and in the Gospel,

[h] *Judicavit*, MS.

[i] *Deut.* xxv. 5, &c.

ſpel, that *the Brother took the Wife of the deceaſed Brother, that he might raiſe up Seed unto his Brother*, it is not to be kept by Chriſtians carnally, but ſpiritually: And when Spiritual Brothers dwell together, and the Brother who preſides in the Church of God, paſſes from this World to Chriſt, then let his Brother undertake the Government of the Church, and raiſe up Spiritual Children to God, leſt upon the failing of one Doctor, by reaſon of his mortal State, the Spouſe of Chriſt, which is the Mother of us all, remain barren: And if any Doctor will not govern the Church, when the other is dead, not caring for the Salvation of others, but for his own, he ſhall then be one that hath his Shoe looſed, in Oppoſition to what the Apoſtle ſays, *Having your Feet ſhod with the Preparation of the Goſpel of Peace.* If he will not ſow the Word of God, when he may, but hides his Talent in a Napkin, that is, in torpid Sloth, the Church ſhall ſpit in his Face, as in the Face of one who deſerves Confuſion, and to be caſt out into *outer Darkneſs, where ſhall be weeping and gnaſhing of Teeth.* But let one Doctor ſucceed another in governing the Church unto the End of the World, that Spiritual Children may be raiſed up to Chriſt from his Virgin Spouſe. For he that will not labour for God, deſerves no Reward.

146. A *Laodicean* Canon. [k] That no Chriſtian preſume to Judaize, or be preſent at Jewiſh Feaſts.

[k] By this one wou'd ſuppoſe, ther were in this Age, Jews, in the *North* of *England*; but I know no other Proof of it.

Here Sir H. S. *breaks off with an* &c. *but the* Cot. *MS. from which it ſeems evident, that he publiſhed his Copy, contains the following Canons, or Excerptions, without any Break or Chaſm, as I am aſſured by my*

my Learned Friend, who sent me a Latin Transcript of them.

147. An *Item.* That no Christian observe Pagan Superstitions, but express all manner of Contempt toward all the Defilements of the *Gentiles.*

148. A Canon of *Braga.* If any Man, following the Custom of the Pagans introduce Diviners, or Sorcerers, into his House, either to drive away Mischief, or to make Discovery of any Crimes committed, or attend the Lustrations of Pagans, let him do Penance five Years.

149. A Canon of the Saints. If any Christian sell a Christian into the Hands of *Jews* or *Gentiles,* let him be Anathema: For it is written in [a] *Deuteronomy, If any Man be caught trafficking for any of the Stock of Israel, and takes a Price for him, he shall be slain.*

[a] *Chap.* xxiv. 7.

150. Also a Canon of the Saints. It is therfore unlawful that they be made Bond-slaves to *Jews,* or *Gentiles,* whom Christ hath redeemed by the Effusion of his own Blood.

151. Of Tonsure. Tonsure took its beginning from the *Nazarites,* who preserving their Hair, after having lived an abstemious Life, consecrated to God what they had devoted to him. We find it also written in the Canons of the Saints, If any Catholick cut his Hair after the Manner of the Barbarians, let him be deemed an Alien from the Church of God, and from every divine Office of the Christians, till he make Satisfaction for his Offence.

152. Of *Peter's* Tonsure. The Apostle *Peter* first used the Clerical Tonsure, by bearing on his Head a Resemblance of Christ's Crown of Thorns: Therfore an *African* Canon forbids a Clergyman to wear a long Hair, or Beard.

153. A

153. A *Roman* Canon also says. Let whatever Clerk is seen in the Church without his [b] Mantle, or Copé, or with his Hair or Beard cut after any other Fashion but the *Roman*, be Excommunicated. A Clerk ought not to wear the Monkish Habit, nor a Lay-man's Apparel. And if the Man use the Woman's Habit, or the Woman the Man's, let them be Excommunicated.

[b] *Colobium.*

154. An *Item.* A Clerk also ought not to bear Arms, nor to go into the Wars, because the Canons teach, that whatever Clerk dies in War, or in a Fray, Intercession shou'd not be made for him, either by the Oblation, or by Prayer; (yet let him not be deprived of Burial.) The Apostle also says, *No Man that warreth entangleth himself in Secular Affairs:* Therfore he is not free from the Snares of the Devil in worldly Warfare: Therfore all Bishops, Priests, and Deacons, are to be charged that they do not wear Weapons; but rather trust in the divine Defence, than in Arms.

155. An *Item.* Clerks also are to take care, that they be not Judges for the condemning Men [to Death.]

156. An *Item.* The Authority of the Canons forbids any Bishop, or Clergyman, to give his Consent to the Death of any Man, whether Robber, Thief, or Murderer.

157. An *African* Canon. Let all Clerks, who are able to labour, learn both Arts and Letters.

158. It is ordained, that Priests be not sent hither and thither, without Distinction, by Bishops, Prelates, or Laymen, lest by their Absence the Peril of Souls be occasion'd, (especially the Death of Children without Baptism) and they neglect the Service of the Churches in which they are constituted.

159. A

159. A Canon of the Saints. Ther are two sorts of Clerks, one of Eccleſiaſtics, under the Government of the Biſhop, the other *Acephali*, that is, Clerks, without an Head; of whom [c] *Gregory* ſays, If ther be any vulgar Clerk, not in the Holy Orders, that is, who are neither Prieſts, nor Deacons, that cannot contain themſelves, they ought to have Wives, and to receive their Stipends apart from the reſt. Let not Prieſts by any means marry, nor bear Martial Arms, but exerciſe the Spiritual Art Military.

[c] See *Gregory*'s Anſwer to *Auguſtin*'s firſt Queſtion.

160. An *Item*, concerning Warfare. Know, that the Secular Power is quite different from the Spiritual. For it becomes good Secular Men to be Defenders of the Church, and Flock of Chriſt. But it concerns Spiritual Men to be Interceſſors for all the People of God. A Soldier of Chriſt ought not to uſe human Arms, as many Teſtimonies declare. Let us begin with that of our God, and Lord Jeſus Chriſt, who when he choſe to ſuffer the Torment of the Croſs, for Mankind, and was under Cuſtody of the Soldiers, forbade *Peter* to fight with the Sword: And if he had not Allowance to fight on Account of the Injury offer'd to his Lord, what is more agreeable to Right, than that we ſhou'd imitate his Example? Know, that God ſaveth, not only by the Spear, and Sword, but rather by aſſiduous Prayers, and other divine Services. *Martius* alſo, the Holy Confeſſor of Chriſt, when he was commanded by *Julian* the Apoſtate, to bear Military Arms, ſaid, That he was a Soldier of Chriſt, and therfore could not fight. We have alſo an uſeful Example from the Book of *Exodus*, *viz.* while *Joſhua* fought with *Amalek*, *Moſes* did not fight with Weapons, but prayed to God with his Hands ſtretched out toward Heaven;

and

and the People of *Israel* overcame; but when he let down his Hands, *Amalek* prevailed. By these, and many other Examples, it is declared that the Bishop, Priest, Deacon, or Monk, shou'd bear no Arms in Battle, but those only, of which it is read, *Above all, taking the Shield of Faith, by which ye may quench all the fiery Darts of the wicked one; take also the Helmet of Salvation, and the Sword of the Spirit, which is the Word of God.*

161. The Canon of the Saints, concerning Murder. If a Priest, or Deacon, commit Murder, let him be degraded, and do Penance to the end of his Life.

162. An *Item.* If any Clerk commit Murder, let him do Penance in Exile ten Years, and three of these in Bread and Water; then let him be received into his Country, if he have done his Penance well, so as to be approv'd by the Testimony of the Bishop, or Priest, or whoever it was to whom he was committed, that he has done his Penance well. Let him also make Satisfaction to the Parents of the murder'd Person; and if he do not, let him never be received into his Country; but be like *Cain*, a Vagabond and Strouler over the Face of the whole Earth. But if he committed the Murder thro' Chance, not wilfully, let him do Penance five Years, [e] or five *Lents*, more or less; three

[e] The *Lents* are inserted by interlining, in the MS.

N. B. These are the Penances of those that willingly submitted to Discipline, without being Excommunicated. But if any stood it out, and wou'd do no Penance, till they had Censure of Excommunication passed against them, their Penance was more severe still; as appears by the following Passage in the *Formulæ Veteres*, which come immediately after these *Excerptions* in the *Cot.* MS. *Cap. Exemplum de Excommunicatione, &c.* "Let not "Meat be given into the Hands of one that does Penance, "as an Excommunicate; but let it be laid before him on

" the Ground; and let not the Remainder be taken by " any Man, nor given to the Poor, but cast to the Swine, " or let the Dogs eat it: And let not such a Penitent " wash himself in a Bath, nor trim [his Hair, or Beard,] " nor cut his Nails, nor sleep in a Bed, even of Straw, " but on the bare Pavement. And let him go unarmed, " barefoot, clothed in Sackcloth. Let him mourn for " his Sins, Night, and Day, and beg Pardon of God by " Prayer, mix'd with Tears; let him not enter into the " Church, nor receive the Kiss of Peace; let him abstain " from Flesh, and Wine, and from the Embraces of his " Wife, and not Communicate, so long as he is doing " Penance, unless he be seized with Death." By this last Clause it appears, that an Excommunication was not, in this Age, taken off so soon as the Excommuicate submitted to the Church, and undertook to do Penance, as it was in After-Times. Further, you have in the Chapter, *De Excommunicatis, qui inviti ad pœnitentiam provocantur*, the Secular Punishments inflicted on them who despised the Censures of the Church, *viz.* " Some are to be chastised with Imprisonment, others " with Fetters, or Scourges; and let others incur the " Loss of their Money, Estate, or Country; let others " be laid under perpetual Servitude, either Divine or " Human." That is, I suppose, either to some Bishop, or Monastery, or else to their Temporal Lords.

three of these in Bread and Water. If he have consented to Murder, and it was actually committed, let him do Penance seven Years, or seven *Lents*; three of these in Bread and Water. If he designed Murder, but did not execute it, let him do Penance one Year. If one strike [another] so as to shed Blood, let him do Penance forty Days, in Bread and Water; if a Deacon [do this, let him do Penance] six Months; if a Priest, a Year. If one Layman kill another, let him abstain from the Church forty Days, and fast in Bread and Water, and afterwards do the Penance which the Priest shall assign him.

Next follows, what in the Catalogue of Tracts belonging to this Volume, is entitled, Formulæ Veteres, & Præcepta de Confessione, Pœnitentiâ, & jejunio.

N. B. *I am assured by a Learned Hand, who has search'd the* Excerptions *of* Ecgbriht, *mention'd by Sir* H. S. *in the* Bodl. *Library at* Oxford, *that none of these Excerptions are in that Book, save the* 21 *first* Items.

A. D. DCCXL.

An Account of ECGBRIHT's Excerptions, as they stand in the MS. mark'd *K.* 2. in the Library of CCCC.

Ecgbriht's Excerptions, according to CCCC MS.

PREFACE.

THE *See of* Worcester *was held by three Archbishops of* York *successively,* viz. Oswald, Wulstan (*the Reprobate*) *and* Aldulf. *These three, probably, governed the Dioceſe of* Worcester, *by the same Canons that they govern'd their Province of* York, *that is, by the* Excerptions *of* Ecgbriht; *tho' with great Additions and Defalcations. The Book in which this Code is contained in* CCCC *did certainly belong to the Church of* Worcester, *and has, in the first Page, the Form of an Oath of Chastity, in these Words,* "*I* "*Brother* N. *do promise to God, and all his Saints,* "*that I will preserve the Chastity of my Body, accor-*"*ding to the Decrees of the Canons, and the Order to* "*be conferr'd on me, in the Presence of the Lord Bishop* "Wulstan." *The first six Pages contain many pious Admonitions, but nothing, beside this, to my present Purpose: And this seems a plain Proof, that the Transcript was made, while* Wulstan *was both Archbishop*

of York, *and Bishop of* Worcester, *that is, between the Years* 1001, *and* 1023. *The Alterations are so great, that we are not to wonder, that the Canons are not call'd,* The Excerptions of *Ecgbriht. From the 7th to the 13th Page, is a Letter from* Albin *to* Athelard, *Archbishop of* Canterbury; *from thence to the 17th, a Letter from* Alcuin (*the same with* Albin) *to* Eanbald *Archbishop of* York. *Then follows a Chapter, concerning the Doctrine and Example of Suppliers, another concerning those who preach well, and live ill; another concerning the Example of evil Priests: In the 19th Page is a Chapter concerning the Observances of Bishops. In the 20th Page, begin the* 21 Items, *which are the* 21 *first* Excerptions *of* Ecgbriht, *put all together, without any Division: I conclude, that these* Excerptions *were the* Canonical Code *for the Province of* York, *for* 300 *Years together, and how much longer we know not, tho' during these Ages, every Archbishop made such Variations, as he thought proper. Immediately after the* 21 Items, *it thus goes on.*

Lat. The Excerptions out of the Books of Canons begin here. (Without the short Preface, *We call those Rules,* &c.)

In Sir *H. S.*'s Numbering. *Augustinus Aurel. &c.* as in Sir *H. S.*

CCCC MS.

48. 1. [a] If ther arise Disputes in any Province, and Clergymen do not agree among themselves let a Reference be made to the greater See; and if they cannot there easily be discuss'd, let them be determin'd when a Synod is assembled. And if difficult Questions arise, let them be referr'd to the Apostolical See.

[a] By comparing this with the 48th *Excerption* of *Ecgbriht*, we may see that the Pope's Power was in a thriving Condition.

2. The

CCCC MS. Sir *H. S.*

2. The *Roman* Inſtitution alſo ſays. Heed muſt be taken, that Cauſes be not referr'd to foreign Provinces, or Churches, where different Uſages and a different Religion prevail; or to the Jews, who obey the Shadow, rather than the Truth; or to the *Britons*, who are contrary to all Men; or to Hereticks, tho' they ſtudy, and are well vers'd in Eccleſiaſtical Cauſes.

3. —— —— —— 29.

4. *But this Canon ends at*, among them all, *in* CCCC MS. 34.

5. Alſo an Inſtitution. Let Biſhops, and Prieſts, inſtantly preach the Catholick Faith to the People, and inſtruct all Men by all Means, not only by Word, but by Example; and endeavour to keep up aſſiduous Reading, and Prayer.

6. —— —— —— —— 37.

7. —— —— —— —— 40.

8. —— —— —— —— 43.

9. Of the Ordination of Biſhops. } 96.

10. Alſo, of the Ordination of Biſhops. }

11. Of the Ordination of Prieſts and Clerks. (Unleſs reaſonable Neceſſity compel, *is not in* CCCC *MS. Inſtead of* Prieſts, and Deacons, *in Sir* H.S. Clerks *in* CCCC *MS.* 97.

12. —— —— —— —— 95.

13. Of Veiling of Virgins. That Virgins be not Veiled, nor Deacons Ordained, before [b] fiveteen Years, *&c.* 91.

[b] Sure it ſhou'd be twenty-five; yet Virgins uſed to be allow'd the Veil much ſooner: But if *Ecgbriht*, or rather *Wulſtan*, did not, it ſpeaks their Wiſdom.

14. *Ending at*, of an Apoſtle. 90.

15. Of ſecular Cares. Let not the Biſhop, Prieſt, or Deacon, take any ſecular Cares on himſelf; if he act contrary to this, let him be depoſed:

And let not the Bishop concern himself with the Family Affairs of his single Church, but attend on Reading, Prayer, and Preaching of the Word of God: And let him have cheap Furniture for his House, and low Diet: And let him consult the Authority of his Dignity [c] by the Merit of his Faith, and Life, and with the Apostles endure [d] Penury.

[c] MS. *Fidem, & per vitæ meritum.* I read, *per fidei, & vitæ meritum.*

[d] MS. *Perjuriam.* I read, *penuriam.* Perhaps it might be, *injuriam.*

Sir *H. S.* CCCC MS.

44. 16.

45. 17.

49. 50. } 18.

51. 19. A Canon of [c] *Epone.* *See the Edition of Sir* H. S.

[c] Yet I find no such Canon in that Council.

52. 20.

21. A Canon of the Apostles. Let the Bishop have the Care of all Things belonging to Churches, and dispense them as under the Divine Inspection; nor may he [f] appropriate any of them at all to himself, or give to his Parents what belongs to God. But if they are poor, he may relieve them as poor. Let not what belongs to the Church be [g] wasted by Occasion of them.

[f] Lat. *Contingere.* And this is according to the ancient Translation publish'd by *Justellus*, which cannot, I think, be reconciled to the Original. See *Can. Ap.* $\frac{14}{43}$.

[g] *Deperdatur*, MS. *Depradetur*, the ancient Translation now mention'd.

22. A

CCCC MS. Sir *H.S.*

22. A Canon of *Orleans.* Let all Churches, which are, or ſhall be built in various Places, according to the Direction of former Canons, be under the Power of that Biſhop in whoſe Territory they are ſituate.

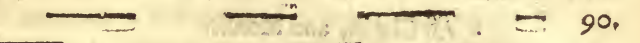
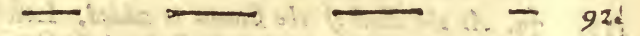
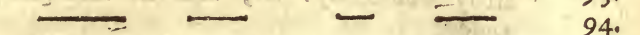
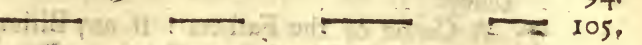
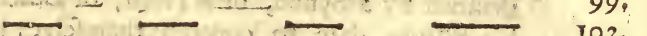
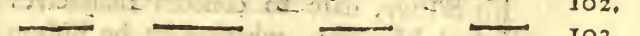
23. — 56.
24. — 57.
25. — 58.
26. — 60.
27. — 62.
28. — 63.
29. — 64.
30. — 65.
31. — 66.
32. — 67.
33. — 68.
34. — 69.
35. — 70.
36. — 71.
37. — 72.
38. — 74.
39. *But this Canon, in* CCCC *MS. ends at,* and Excommunicated. 75.
40. — 75.
41. Let no one dare to ſtrip the Church, whatever her prime Governors are. For the Sons of *Aaron* and *Eli*, were wicked; and yet God did not withdraw from them the Offerings of the People. *Annas* and *Caiaphas* received the Offerings of the People, tho' they crucified Chriſt.
42. *Jerom.* Tho' Prime Governors, when wicked, deſtroy themſelves, yet the Church remains without Fault. Chriſt, tho' he knew *Judas* wou'd betray him, yet took not from him the Bags.

Sir *H. S.* CCCC MS.

43. Of the Priests Right. *The First-fruits, and Tenths, and much of the First-born of all the People of Israel, shall belong to the Lord. Let them eat the Offering for Sin, and Trespass; and every Vow in Israel, and every Meat-Offering of all that is offer'd, and the First-fruits of every thing that is for Food, shall belong to the Priests. I have taken the Breast, and the right Shoulder, from all the Children of Israel, they shall belong to the Priests.* It is to be noted, that not *Aaron* himself made the Tabernacle, but the People and Artificers, by the Advice of *Moses*, which signifies, that it is not the Priest's Part to build the Church. [h] *Aaron* eat the Sacrifices, (except some few) yet it was the People that laid their Hand on the Head of the Sacrifice; which signifies, that it is not the Priest's Part to labour for Victuals. It was not *Aaron*, or his Sons, that carried the Tabernacle, they only Sacrificed, which signifies, that ther ought to be Ministers, together with the Priests. *They who serve the Altar are made Partakers of the Altar.*

[h] Lat. *Aaron non edebat, &c.* I leave out *non*, in the Translation: For I suppose *Aaron* here stands for all the Priests, who were authorized to eat of all the Sacrifices, that were to be eaten; yet even thus, I scarce know how the Author drew his Conclusion from his Premisses.

78. 44.
79. 45.
81. 46.
82. 47.
83. 48.
84. 49.
85. 50.
86. 51.
87. 52.

CCCC MS.		Sir *H. S.*
53.		88.
54.		89.
55.		110.
56.		90.
57.		91.
58.		92.
59.		93.
60.		94.
61.		105.
62.		99.
63.		102.
64.		103.
65.		148.

66. A Canon of *Carthage*. They who attend Auguries, or Incantations, are to be ſeparated from the Church, according to the ſtated Meaſures of Penance.

67. A Canon of the Biſhops. [i] If a Catholick clip his Hair, after the Manner of the *Barbarians*, let him be eſteem'd an Alien from the Church of God, and from the Table of Chriſtian Men, till he correct his Fault. Let not a Clergyman have a long Hair, or Beard. 151.

[i] The latter part of Canon 151, in the *Cot.* MS. is very like to this.

68. An *African* Canon. *To the Word*, Burial. 154.

69. An *Item. Beginning at*, A Clerk ought not, *&c.* 153.

70. Biſhop *Baſil*. It ſhall not be lawful, either to pray, or ſpeak, or eat with an Excommunicate.

71. A Canon of the Holy Fathers. If any Man be deprived of Communion by his own Biſhop, let him not be received by others, before he is reconciled to his Biſhop; or, however, comes to the Synod, when aſſembled, and makes Satisfaction for himſelf. Let this Determination

be

Sir *H. S.* CCCC MS.

be in Force, as to Laymen, Prieſts, and Deacons, and to all that are known to be [k] under the Rule.

[k] All Clerks, and Monks.

156. 72. *At the End of the Canon is added,* Leſt he deſtroy Innocency: *Or,* Leſt he loſe [his] Innocency.

73. A Canon of the Fathers. If any Biſhop condemned by a Synod, or a Prieſt, or Deacon, by his Biſhop, dare to concern themſelves in the ſacred Miniſtry; whether he be Biſhop, [l] (according to the preceding Cuſtom) or Prieſt, or Deacon, let no Room for Satisfaction, or Hope of Reſtitution, be allow'd him, in another Synod: But all that communicate with him, even the Greateſt, are to be caſt out of the Church, if after they know that Sentence hath been paſſed againſt them, they attempt to Communicate with them.

[l] This Parentheſis ſeems to refer to ſomething ſaid in the foregoing Canons in that Syſtem, to which it originally belong'd, but what that Syſtem was, I know not. The *Syntax* is obſcure in the following Clauſe.

74. A Canon of the Fathers. If a Biſhop, or one in Orders, be an habitual Drunkard, let him either deſiſt, or be depoſed.

75. *Baſil.* If any one be guilty of Detraction toward his Superior, let him do Penance, by being ſeparated from the Eccleſiaſtical Aſſembly for ſeven Days, as *Mary,* the Siſter of *Aaron,* [was] when ſhe had been guilty of Detraction toward *Moſes.*

33. 76. A Canon of the Apoſtles. *Only the Word,* Biſhop, *is omitted.*

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77. —— —— —— —— 31.

78. —— —— —— —— 127.

79. An *Item.* The Canons teach, that whosoever hath married a Widow, or divorced Woman, or hath himself been twice married, be never made a Deacon, never a Priest.

80. An *Item.* 116.

81. Of Abstinence. The *Greeks*, and *Romans*, contain themselves from Women, for three Days, before [they receive] the Shew-bread, according to what is written in the Law.

82. —— —— —— —— 38.

83. *No Title. The Sense is entirely the same, tho' not the Words.* 120.

84. Pope *Innocent.* He who marries another Wife, she that is divorced yet living, and he who marries the divorced Woman, are both of them Adulterers. The Lord says in the Gospel, *whosoever puts away his Wife, except for Fornication, and marries another*, &c.

85. *Jerom* says. It is Fornication only, which overcomes a Man's Affection to his Wife: Nay, when she hath divided the one Flesh into another, and by Fornication separates her self from her Husband, she ought not to be retained, lest she bring her Husband too, under a Curse, since the Scripture says, [a] *He that retains an Adulteress, is foolish and wicked.* The Wife, therfore, is freely dismiss'd, where-ever ther is Fornication in the Case: And because it might happen, that Innocency might be calumniated, and the first Marriage might be impeach'd for the sake of a second Match, a Man is commanded so to dismiss his first, as not to marry a second, in her Life-time: It is as if he had said, *Upon Condition you*

[a] *Prov.* xviii. 23. according to LXX, and Vulgar Latin.

Sir *H. S.* CCCC MS.

you do not dismiss your Wife for the sake of Lust, but of Injury done.

85. Also *Jerom.* [b] If a Man, or Woman, by Consent become Religious, the other being very young, may engage in a new Marriage.

[b] This Notion was started in *Ecgbriht*'s Time, but was justly condemn'd by him, *Excerpt.* 118. yet now it prevailed. It does not appear, that *Jerom* ever countenanced this Practice, but rather the contrary.

86. An *African* Canon. Let the Priest enjoin Laws of Penance to him that earnestly desires it, without Respect of Persons.

39. 87. *African* Canon. *Omitting*, to some.

88. *Basil* the Bishop. A Penitent ought cordially to be received in the Manner declared by our Saviour, when he says, *The Man calls together his Friends and Neighbours, saying, Rejoice with me, for I have found the Sheep which I had lost.*

89. Also *Basil.* We ought so to behave our selves toward them who do [not] repent of their Sins, as our Lord charges us, when he says, *Let him be to thee as an Heathen Man and a Publican.*

90. A Canon of *Orleans.* [c] Penance is not to be enjoined to married Persons, but by Consent.

[c] The Penance he meant, is that foolish one of going into a Monastery, and taking a Vow of Chastity.

113. 91.

92. An *African* Canon. Times of Penance are to be decreed for Penitents, according to the Degrees of their Sins, at the Bishop's Discretion.

93. The *Romans* say concerning laps'd [Clergymen.] He that falls with his Degree, let him rise without it, and be content with the Name only.

On

CCCC MS. Sir *H. S.*

On the other side, it is said in the [d] Apocalyps *Remember from whence thou art fallen, and do Penance, and perform thy former Works.*

[a] *Rev.* iii. 5. This seems a Contradiction to the old Canons (which forbad a lapsing Clergyman to officiate ever after) but by a gross Misapplication of the Text.

94. Of Murder. *This MS. omits* the 5 and 7 *Lents*, more or less, *and assigns* seven Months Penance to *the Deacon who hath shed Blood. After those Words*, If a Priest, a Year, *it thus goes on*, Let him who kills a Monk, or Clerk, lay aside his Arms, and serve the Lord in a Monastery, or do Penance seven Years in Exile. The Doom of him who kills a Bishop, or Priest, belongs to the King. Let him who kills a Layman, out of premeditated Malice, or to get his Inheritance, [do Penance] three, five, or seven Years; if it were for the Revenge of his Brother, but one Year and three *Lents*, and the stated Week-days in the two following Years; if by sudden Violence, three or five Years; if by Chance, one Year; if in publick War, forty Days. Let the Freeman who kills an innocent Person at the Command of his Chief, do Penance one Year, and three *Lents*, and the stated Week-days in the two following Years. Let him who by striking a Man in a Fray has brought a Man to a State of Weakness, or Deformity, pay the Charge of the Physicians, and make amends for his Blemish, and for [the Loss of] his Work, till he be cured, and do Penance half a Year: And if he be not able to make [such] Restitution, then a whole Year. Let him that riseth up to strike a Man, with an Intent to kill him, do Penance three Weeks; but if he hath wounded him, forty Days; if he be a Clerk, one Year, and let him pay a Fine in Proportion to the 162

Sir *H. S.* CCCC MS.

the Wound; for the Law [e] enjoins this. Let the Woman that deſtroys her Conception deſignedly, before forty Days, do Penance one Year; if after forty Days, three Year; if ſhe were quick with Child, as a Murderer. But the Difference is great between a poor Woman, that does it by reaſon of the Difficulty of nurſing it, and a Whore, [who does it] to conceal her Wickedneſs.

[e] Lat. *Commendat.*

95. Of Penance for Neglect of Baptiſm. Let the Parent, whoſe Child is dead without Baptiſm, thro' his Neglect, do Penance one Year, and never live without Penance. If the Prieſt, whoſe Duty it was, neglected to come, tho' ask'd, let him be chaſtiſed by the Doom of the Biſhop, for the Damnation of a Soul. But all the faithful may do this, when they find any dying unbaptized; nay, it is commanded that Men ſhould ſnatch a Soul from the Devil, by Baptiſm; that is, by baptizing them with Water ſimply bleſſed in the Name of the Lord, by immerſing them, or pouring Water upon them, in the Name of the Father, the Son, and the Holy Ghoſt. Therfore they who can, and know how to baptize, faithful Monks eſpecially, ought always to have the [f] Euchariſt with them, tho' they travel to Places far diſtant.

[f] The Euchariſt was to be given to the new-baptized Infant.

96. From the Council of *Braga*. Concerning thoſe who by any Fault inflict Death on themſelves, let ther be no Commemoration of them in the Oblation, as likewiſe for them who are puniſh'd for their Crimes. It ſeems fit, that they who kill

kill themselves with a Sword, with Poison, by a Precipice, or an Halter, or by any other violent Means, have no Commemoration made for them in the Oblation; and that their Corpses be not carried to the Grave with Psalms; for many have presumed to do this thro' Ignorance. The like must be done in Relation to them who are punish'd for their Crimes.

Then immediately follows, in the CCCC MS. *The Excerption of the Lord* Ecgbriht, *Archbishop of the City of* York, *out of the Catholic Fathers: Or, The Penance or Remedy for Souls, begins here.*

A. D. DCCXLII.

King Ethelbald's Grant of Privileges.

PREFACE.

THE following Council, and the Privilege therein granted, hath been condemned as a Fraud, because interpolated into the Cotton *Copy of the* Chronicon Saxonicum, *and a Rasure made to make room for it, in that Book. But I am apt to think that this is the first Instance, that any ancient Fact was ever proved to be a Forgery, because it was put into a Book where it was not before. Not only a Falsarian Knave, but any Learned Man of Integrity, wou'd take care to have a Thing of this Nature registred in its proper Place, tho' the one does it with some base View, the other*

ther to inform Posterity. But it was a Monk of Canterbury *who did this: Yet I must have leave to say, this is more than has been yet proved; and if it were never so evident that it was a Monk of* Canterbury, *yet it will scarce be granted, that this alone will convict him of Forgery: It is to be hoped, that many an honest Man has lived and died a Monk of* Canterbury. *And I must needs say, that if he were a Monk of* Canterbury, *he had more of the Fool, or the simple-hearted Man, at least, than of the Knave. If he had had the Interest of his own House in his Eye, he wou'd never have forged a Council, and a Charter, whereby the Privileges of the* Kentish *Monasteries were really lessen'd. For by the Grant of King* Wihtred, *they were wholly exempt from Taxes, or Tribute, but in this of* Cloves-hoo, *they were obliged to contribute to any military Expedition, and to the building of Castles and Bridges. Tho' King* Wihtred's *Decree is here much extoll'd, yet one main Point of it, (the Church's Immunity from Taxes) is set aside: If the Monks forged it, they put a Cheat on themselves. They had, indeed, here the Freedom of Elections confirmed to them. And this, I conceive, was a Right never deny'd to the Church, by the Legislative Power of the Nation, before the Reign of King* Henry VIII. *Kings did in Fact very often, and after the Conquest, for the most part, over-rule the Monks, or other Electors, and by management oblige them to elect such Persons for Bishops and Abbots, as they nominated to them; but even those Kings who carried it with the highest Hand in this Respect, have yet upon Occasion confess'd the Right to be in the Chapters. And not only the Canons of the Church, and the Decrees of Popes, but the Laws and Statutes of the Land, did expressly reserve the Freedom of Elections to the Cathedral, and Monastick Bodies. The Grants of King* Wihtred *and King* Ethelbald *say no more in this Respect, than the Statutes of* Westminster, *in the Reign of King* Edw. I.

and

and the Articuli Cleri *in the Reign of King* Edw. II. *Acts of Parliament were not thought such inflexible Things 2 or 300 Years ago, as they are at present. Sir* H. S. *published this Council from two MS. Copies; one whereof was* Joſceline's, *the famous Antiquarian. It is true, some Monks, and perhaps they of* Canterbury, *had made some Enlargements of King* Ethelbald's *Privileges, and drawn formal Confirmations and Alterations of them, which the Reader may see in Sir* H. S. Vol. 1. p. 256. *Mr.* Somner, *in his Notes on these Charters, gives a Transcript of another Edition of the following Council, found, indeed, in the Archives of* Christ's-Church, Canterbury, *in very ample Form, with the Subscription of fourteen Bishops, beside* Cuthbert, *one* Offa Patricius, *four Dukes, one Abbot, and five others. This last is drawn in such miserable Latin, that I scarce know any thing of this sort to be compared to it. I take them all to be certainly spurious. But I have before observed, that they used to graft such spurious Imps upon true old genuine Stocks: And the Copy here translated by me, I take to have been that Stock.*

A. D. DCCXLII.

THis Year a great Council was held at *Cloves-hoo, Ethelbald* King of the *Mercians*, presiding, with *Cuthbert* Archbishop of *Canterbury*, and the rest of the Bishops sitting with them, to examine all necessary Points of Religion, and of the Creed, deliver'd to us by the ancient Institutes of the Holy Fathers. And they diligently enquir'd how Matters were order'd here, in relation to Religion, and particularly as to the Creed, in the Infancy of the Church of *England*, and in what Esteem Monasteries then were, according to Equity. *Lat. Sir* H. S. Vol. 1. P. 230.

While we were making this Enquiry, and reciting ancient Privileges, ther came to Hand that Privilege of the Churches, and Ordinance of the

glorious King [a] *Wihtred*, concerning the Election and Authority of [the Heads of] Monasteries, in the Kingdom of *Kent*; how it is ordered to be confirm'd by the Command and Option of the Metropolitan of *Canterbury*. And the said Privilege was read, at the Direction of King *Ethelbald*, and all that heard it said, ther never was any such noble and wise Decree, so agreeable to Ecclesiastical Discipline; and therfore they enacted, That it should be firmly kept by all.

[a] See the Council held at *Becanceld*, *A. D.* 692. and observe how *Wihtred*, the King of the least in Extent, of all the seven Kingdoms into which *England* was then divided, was here honour'd by *Ethelbald*, the greatest of the present *English* Monarchs, for his Zeal and Devotion to the Church.

Therfore I *Ethelbald*, King of the *Mercians*, for the Health of my Soul, and the Stability of my Kingdom, and out of Reverence to the Venerable Archbishop *Cuthbert*, confirm it by the Subscription of my own munificent Hand, that the Liberty, Honour, Authority, and Security of the Church of Christ be contradicted by no Man; but She, and all the Lands belonging to her, be free from all Secular Services, except [Military] Expedition, and building of a Bridge, or a Castle. And we charge, That this be irrefragably and immutably observ'd by all, as the aforesaid King *Wihtred* ordain'd, for him and his.[b]

[b] *Joceline*'s Copy says Sir *H. S.* ended here.

If any of the Kings my Successors, or of the Bishops or Princes, attempt to infringe this wholesome Decree, let him give Account of it to Almighty God at the Tremendous Day.

If

If an Earl, Prieſt, Deacon, Clerk, or Monk oppoſe this Conſtitution, let him be depriv'd of his Degree, and ſeparated from the Participation of the Body and Blood of the Lord, and be far from the Kingdom of God, unleſs he firſt make amends for his Inſolence, by agreeable Satisfaction; for it is written, *Whatever ye bind on Earth*, &c.

A. D. DCCXLVII.

CUTHBERT'S Canons at *Cloves-hoo.*

PREFACE.

BOniface, *an* Engliſhman, *born in the Year 670. but of great Fame for his Piety and Learning, eſpecially for his Zeal in converting Infidels, was made Archbiſhop of* Mentz *in* Germany, *and Legate of the Apoſtolical See: He writes a Letter to* Ethelbald, *King of* Mercia, *commending him for his Charity and Juſtice, and for the Preſervation of Peace in his Kingdom, but reprehends him with great Severity, for his Looſeneſs with Women, and particularly with Nuns. He charges him alſo with Sacrilege, in robbing Churches, and Monaſteries, and terrifies him with the Example of his Predeceſſor* Ceolred, *King of* Mercia, *and of* Oſred *King of* Northumberland, (*the two firſt* Engliſh *Kings who, if we may believe* Boniface, *violated Eccleſiaſtical Privileges*) *for he affirms it as a Thing very certain and notorious, that they both came to a miſerable untimely End. This Letter was ſent inclos'd in another, to* Heresfride *the Prieſt, who was probably*

a Domestic to King Ethelbald, *if not his Confessor: For* Boniface *tells him, he had heard that the King had sometimes given Ear to his Admonitions, and therfore he had made Choice of him, to read and explain the Letter to King* Ethelbald, *as being one that regarded not the Persons of Men: And concludes, that it was his Love to his native Country, which was grievously corrupted by this Royal Example, which prompted him to this Undertaking; and that he had sent him a piece of Incense, and an Handkerchief, as a Token of his Love and Benediction.*

He wrote also a long Letter to Cuthbert, *Archbishop of* Canterbury, *wherein he gratefully mentions a Letter receiv'd from him, by the Hands of his Deacon, and reminds him of the singular Duty of a Bishop that wears a Pall, beyond what is required of them who have only the Care of their own Parishes: He gives him a Copy of the Decrees made in a* German *Synod, at which he presided; which was a handsome way of recommending them to* Cuthbert's *Imitation: He insists largely, and with Vehemence, on the Burdensomeness of the Office of a Metropolitan; and declares himself disposed to quit his Dignity, if he could find any thing in the Scripture, or the Fathers, to countenance him in so doing: He cries out,* Let us not be dumb Dogs, and silent Watchmen: *As if he thought his Brother* Cuthbert *wanted the Spirit of Reprehension, which he thought necessary to be exercised upon a licenteous King. He complaineth of the Bishops here, as being very defective in their Duty, tho' they received the daily Oblations, and the* Tithes, *from the People. He calls upon him to stop all Nuns, and other Women, from going in Pilgrimage beyond Sea; Because, says he, ther is scarce a City in* France *or* Lombardy, *where ther is not an* English *Whore. He declares the Necessity of Excommunicating even Kings and Emperors, if they are guilty of usurping Bishopricks or Abbies; and gives them very hard Names. He inveighs against gaudy Apparel, and declares it to be a*

Sign

Sign of the coming of Antichriſt. *He calls upon him to aſſemble a Synod, and condemn all Drunkenneſs in Clergymen, and gives a broad Hint, that even our Biſhops, here in* England, *were not altogether free from this Vice. And laſtly, he complains heavily, that Monks were forced to work for the King, and particularly in his Buildings, which he aſſerts was done no where in* Chriſtendom, *but in* England *only. Hereupon a Council was called.*

A. D. DCCXLVII.

IN the perpetual Reign of our Lord Jeſus Chriſt, who orders all Things at the Command of the Father, and by the lively Grace of the Holy Spirit. The under-written Acts were done in Synod, at the beginning of *September*, near the Places called *Cloves-hoos*; theſe Prelates of the Churches of Chriſt, beloved of God, being preſent, *viz.* The Honourable Archbiſhop *Cuthbert*; and the venerable Prelate of the Church of *Rocheſter*, *Dun*; and the Moſt Reverend Biſhops of the *Mercians*, *Totta*, and *Huita*, and *Podda*; and the moſt approved Prelates of the *Weſt* [*Saxons*], *Hunferd*, and *Herewald*; and the venerable Prieſts *Heardulf* of the *Eaſt-Angles*, and *Ecgulph* of the *Eaſt-Saxons*, and *Milred* of the [a] *Huiccians*; alſo the Honourable Biſhops *Alwik* of the Province of *Lindiſſe* [b], and *Sicga* of the *South-Saxons*, in the Year of our Lord's Incarnation 747, Indiction 15, the 32d Year of the Reign of

Lat. Sir H. S. Vol. 1. p. 245.

[a] *Worceſter*, and all the adjacent Country to the *Severn*.

[b] Now *Lyndſey*. It is evident that this was only a Provincial Synod: Not one of the *Northumbrian* Biſhops were preſent. It was purely an Eccleſiaſtical Aſſembly; the King and Great Men were there only to give Countenance and Protection to the Eccleſiaſtics. *Lyndſey* is called a Province, (ſee *c.* 9.) that is, a Pariſh, or Dioceſe.

of *Edilbald*, King of the *Mercians*, who was then preſent, with his Princes and Dukes.

When the ſaid Prelates of the Sacred Order, of divers Provinces of *Britain*, with many Prieſts of the Lord, and of thoſe of the Eccleſiaſtical Order in leſſer Dignities, met the venerable Archbiſhop *Cuthbert* at the Place of Synod, and they were ſet down to treat of, and ſettle the Unity of the Church, and the State of Chriſtianity, and a peaceable Agreement, after a devout mutual Salutation, the Writings of Pope *Zachary*, (the Pontiff, and Apoſtolical Lord, to be venerated throughout the World) in two Papers, were in the firſt place produced, and publickly recited, and explained in our own Tongue, as he himſelf, by his Apoſtolical Authority enjoin'd: In which Writings the famous Pontiff *Zacharias* admoniſh'd, in a familiar Manner, the Inhabitants of this Iſle of *Britain*, of our Stock, of every Rank and Degree of Quality, and authoritatively charged them, as preſent before him, and laſtly, in a loving Manner intreated them, and hinted, among other Things, that a Sentence of Anathema ſhou'd be certainly publiſh'd againſt them that perſiſted in their pertinacious Malice, and Contempt of all this; as is evident to thoſe who read [theſe Papers]. After the reading thereof, and the terrible Invective Admonition, the Prelates, who were promoted by God to be Maſters to others, betook themſelves to mutual Exhortations: And contemplated themſelves, and their Office (by which others were to be inſtructed in the Service of God) [c] in the Homilies of the bleſſed Father *Gregory*, and in the Canonical Decrees of the Holy Fathers, as in a bright Mirror.

[c] I delete the Full-point before *in*, and the Conjunction *quoque*.

1. And

1. And then, in the Front of their Decrees, they eſtabliſhed it with an authentic Sanction, That every Biſhop be ready to defend the Paſtoral Charge entruſted with him; and the Canonical Inſtitutions of the Church of Chriſt (by God's Protection and Aſſiſtance) with their utmoſt Endeavour, againſt the various and wicked Aſſaults [that are made upon them]; nor be more engaged in Secular Affairs, (which God forbid) than in the Service of God, by looſeneſs in Living, and tardineſs in Teaching; but be adorned with good Manners, with the abſtemious Virtues, with Works of Righteouſneſs, and with learned Studies, that ſo, according to the Apoſtle, they may be able to reform the People of God by their Example, and inſtruct them by the preaching of ſound Doctrine.

2. In the ſecond place, they firmly agreed with a Teſtification, that they would devote themſelves to intimate Peace, and ſincere Charity, perpetually, every where amongſt them to endure; and that ther be a perfect Agreement of all, in all the [d] Rights of Religion belonging to the Church, in Word, in Work, in [e] Judgment, ([f] without flattering of any Perſon,) as being Miniſter of one Lord, and Fellow-Servants in one Miniſtry; that tho' they are far diſtant in Sees, yet they may be joined together in Mind by one Spirit, ſerving God in Faith, Hope and Charity, praying diligently for each other, that every one of them may faithfully finiſh their Race.

[d] My Learned Friend reads *juris* for *viris*, and it ſhou'd be *juribus:* This is but a ſmall Error, if compared with ſome others of this blundering Tranſcriber. By *Rights*, or *Rites* of Religion, they mean the Sacraments, Sacramentals, and Diſcipline of the Church; ſo *jura* ſignifies again, in *Ecgbriht's Excerpt.* 750. *c.* 1. ----- 20. It ſeems to me a perfect Saxoniſm; that is, a Latin Rendition of the *Sax.* Riht. See *Ca.* 11.

[e] That is, inflicting Penance.
See *Can.* 27.

3. In the third place they enacted, that every Bishop do every Year visit his Parish, by travelling thro', going about, and making an Inspection into it; and that he call to him at convenient Places, the People of every Condition and Sex, and plainly teach them who rarely hear the Word of God; forbidding them, among other Sins, the Pagan Observances, Diviners, Sorcerers, Auguries, Omens, Charms, Incantations, or all the Filth of the Wicked, and the Dotages of the *Gentiles*.

4. In the fourth Article of Agreement they have determin'd, that the Bishops do admonish the Abbots and Abbesses, within their Parishes, that they be Examples of good Life, and take diligent Care that their Subjects be regular in their Conversation; yet so as that they remember to love them as their own Families in the Lord; to treat them not as Servants, but as Children; to provide Necessaries for them, according to the Monastic Way of Life, and to their utmost Ability; that they fully discharge their Trust, as to the Estates of their Monasteries, and by all means take heed [g] that they be not robb'd of them.

[g] Lat. *Ne aliqua subripiat illos*, which makes no Sense. Sir *H. S.* corrects it thus, *ne aliquis subripiat illas* [*res*]: And this must, I conceive, be the Sense, however you correct the Words.

It was argued in the fifth place, That it is necessary for Bishops to go to the Monasteries (if they can be called Monasteries, [h] which in these Times cannot be in any wise reformed according to the Model of Christianity, by reason of the Violence of Tyrannical Covetousness) which are [i] we know not how possess'd by Secular Men; not by Divine Law, but by presumptuous human Invention; yet they

[h] I delete *quamvis*, as perfectly superfluous.

[i] The true Reading is, *utcunq*; not *utrunq*;

they ought to go, for the Health of the Souls of them who dwell therein; and that they provide among their Incitements [to Reformation] leſt what is already in a declining State, be farther riſqued, for want of the Miniſtry of [a] a Prieſt, by the help of their preſent Poſſeſſors.

[a] By *Prieſt* here, is, I ſuppoſe, meant Biſhop; as in the Acts, or Preface, and frequently in all Writers. It can ſcarce be ſuppoſed, that theſe Monaſteries which are govern'd by Laymen, were deſtitute of an officiating Prieſt.

6. It is ordained by the ſixth Decree, that Biſhops ordain no Monk, or Clerk, to the Degree of a Prieſt, till they firſt make open Enquiry into his former Life, and into his preſent Probity of Manners, and Knowledge of the Faith. For how can he preach ſound Faith, or give a Knowledge of the Word, or [b] diſcreetly injoin Penance to others, who has not carneſtly bent his Mind to theſe Studies; that he may be able, according to the Apoſtle, to *exhort with ſound Doctrine.*

[b] Here you ſee for what Purpoſe Men in this Age confeſs'd their Sins to the Prieſt, *viz.* Becauſe he alone knew what Penance was to be enjoined for every Sort and Degree of Sin, not in order to obtain Abſolution. *Petit's Collections*, publiſh'd with *Theodore's Penitential*, are full of Proof, as to this Point.

7. They decreed in the ſeventh Article of Agreement, that Biſhops, Abbots, and Abbeſſes, do [c] by all means take care, and diligently provide, that their Families do inceſſantly apply their Minds to Reading, and that it be made known by the Voices of many to the gaining of Souls, and to the

[c] Sir *H. S.* read, *omi----u*, my Friend reads, *om----u*. He ſuppoſes three Letters wanting, *viz. nin*, and that *n* is put for *o*, (as five Lines below *putjus* is put for *potius*) and that therfore the Word ſhou'd be *omnino*.

the Praiſe of the Eternal King. For it is ſad to ſay, how few, now-a-days, do heartily love and labour for Sacred Knowledge, and are willing to take any Pains in Learning; but they are from their Youth up, rather employed in diverſe Vanities, and the Affectation of Vainglory; and they rather purſue the Amuſements of this preſent unſtable Life, than the aſſiduous Study of the Holy Scriptures. Therfore let the Boys be confin'd, and trained up in the Schools, to the Law of Sacred Knowledge, that being by this means well-learned, they may become in all Reſpects uſeful to the Church of God. And let not the [d] Rectors be ſo greedy of the worldly Labour [of the Boys] as to render the Houſe of God vile, for want of Spiritual Adornment.

[d] *Rectors* were the Heads of Religious Houſes, and *Incumbents*, as we now ſpeak, in leſſer Churches, who had their Schools for training up young Monks, and Clerks, and who obliged their Scholars to bodily Labour: Therfore they were not here forbidden abſolutely to labour, but only ſo far as was inconſiſtent with their Learning.

8. Under the eighth Head, they admoniſhed Prieſts inceſſantly to remind themſelves to what Purpoſe they are promoted above others, by divine Ordination, that they are called *God's Miniſters, and Stewards of the Myſteries of Chriſt*, and then that *it is required of Stewards, that a Man be found faithful*: Therfore let them know, that it is neceſſary for them, in Regard to God, to deſiſt from Secular Buſineſs, and [e] Cauſes, ſo far as they can, to diſcharge their Duty at the Altar, and in divine Service, with the utmoſt Application; that they carefully

[e] One great Affectation of the Clergy of Old, was to become Lawyers; and this is very often condemned in the ancient Canons.

carefully preserve [f] the House of Prayer, and all its Furniture; that they spend their Time in Reading, Celebration of Masses, and Psalmody: That they be mindful, according to their Duty injoin'd them by God, to be [g] Assistants to their Abbots, and Abbesses, with Diligence and Fidelity, whensoever ther [h] seems to be Occasion for it; that is, in admonishing, reprehending, and exhorting their Subjects; that others, by their Example and Advice, may be incited to the Service of God.

[f] Lat. *Oratorii domum conversare*, read *conservare*.

[g] By this it seems evident, that the main of the Priests were yet in Monasteries.

[h] The Word here wanting in Sir *H. S.* is *viatur*, in the MS. for *videatur*, as I suppose.

9. They added orderly, in the ninth Head, that Priests [i] in Places and Districts assigned to them by the Bishops of the Province, take care to discharge the Duty of the Apostolical Commission, in Baptizing, Teaching, and Visiting, according to lawful Rites, with great Diligence, that they may, according to the Apostle, *be accounted worthy of double Honour*. And let them by all means take care, as becomes the Ministers of God, that they do not give to the Seculars or Monasticks, an Example of ridiculous or wicked Conversation; that is, (to say no more,) by Drunkenness, Love of filthy Lucre, or obscene Talking, and the like.

[i] This is meant of Secular Priests, in their *Parishes*, as we now speak; tho' it is not certain, that any Priests were yet settled in such Churches during Life. See Law of *Wihtred* the 4th, 696. Monks in Priests Orders were sometimes sent, in this Age, to officiate in Country Districts.

10. In the tenth Decree they taught, that Priests shou'd learn to know how to perform, according to the lawful Rites, every Office belonging to their Orders;

Orders: And then let them who know it not, learn to conſtrue and explain in our own Tongue, the Creed and Lord's-Prayer, and the Sacred Words which are ſolemnly pronounced at the Celebration of Maſs, and in the Office of Baptiſm: Let them alſo take care to learn what thoſe Sacraments, which are viſibly performed in the Maſs, Baptiſm, and other Eccleſiaſtical Offices, do ſpiritually ſignify; leſt they be found dumb and ignorant in thoſe Interceſſions which they make to God, for the Attonement of the Sins of the People, or in their own Miniſterial Offices, if they do not underſtand the Meaning of their own Words, [nor] the Sacraments, by which others, thro' them, are making Proficiency to Eternal Life.

11. They went on with an eleventh Mandate, That all Prieſts perform every Sacerdotal Miniſtry, every where, in the ſame Way and Faſhion, in Baptizing, Teaching, and Judging; and, which is the principal Point, that their Sentiments concerning the Belief of the Trinity, be right, and ſincere; and that they do, in the firſt place, teach all that come to take Directions concerning their own Life, from them, that *without Faith it is impoſſible to pleaſe God:* And that they inſtil the Creed into them, that they may know what to believe, what to hope for; and that they propoſe it [k] to Infants, and to them who undertake for them in Baptiſm, and teach them the Renunciation of Diabolical Pomps, and Auguries, and Divinations; and afterwards teach them to make the eſtabliſh'd Profeſſions.

[k] The Queſtions in the Baptiſmal Office were always ſuppoſed to be put to the Child, not to the Sureties. Now, indeed, the Surety is aſk'd, *Doſt thou, in the Name of this Child, renounce*, &c.? But in the old Rituals, it was ſimply, *Doſt thou renounce*, &c.? So it was in our Common-Prayer-Book, before the Rebellion: And I cannot think that this Alteration was for the better. This is ſometimes call'd Catechizing.

12. They

12. They added in the twelfth Article, that Priests do not prate in the Church, like Secular Bards, nor dislocate or confound the Composure and Distinction of the Sacred Words, by a Pronunciation like that of Tragedians, but follow the plain Song, or holy Melody, according to the Custom of the Church. Let him who cannot attain to this, simply read, pronounce, and rehearse the Words, as the present Occasion requires.

[a] And let them not presume upon what belongs to the Bishop.

In the mean time, let Priests not presume or attempt, in any wise, to perform any of those Things, which are peculiar to the Bishops in some of the Ecclesiastical Offices.

[a] These two Lines seem plainly to have been the Rubrick, or Title, of the following short Canon: And it is to be observed, that ther is a Rubrick to every one of these Canons, in the old *Cotton* MS. which I have omitted, for Brevity's sake. The following Lines are the Canon it self. Sir *H. S.* has made both the Rubrick and Canon a part of the former. It seems plain from this, that the Numbers, and the short Preface to every Canon, was the Addition of a Transcriber, or of the Actuary.

13. It is determined by the thirteenth Decree, that the Holy Festivals of our Lord's Oeconomy in the Flesh, be uniformly observed, *viz.* in the Office of [b] Baptism, and the Celebration of Masses, in the [c] Manner of singing, according to the written Copy which we have from the *Roman* Church. And that the Nativities of the Saints, thro'

[b] *Viz.* That Baptism be administred at *Easter* and *Whitsuntide* only, not at Christmas; tho' perhaps at *Epiphany*, and at any time, in Case of Danger.

[c] This is meant of what was done by *John* the Precentor of the Church of St. *Peter's*, *Rome*; of which see my Preface to this Volume.

thro' the Circle of the whole Year, be venerably kept on the same Day, according to the Martyrology of the said Church of *Rome*, with their proper Psalmody.

14. In the fourteenth place it is ordained, That the Lord's-Day be celebrated by all, with due Veneration, and wholly separated for divine Service. And let all Abbots and Priests, on that most sacred Day, remain in their Monasteries and Churches, and say solemn Mass; and laying aside all external Business, and secular Meetings, and Journeyings, except the Cause be invincible, let them by preaching, instruct the [d] Servants subject to them, from the Oracle of the Holy Scripture, the Rules of religious Conversation, and of good Living. It is also decreed, That on that Day, and the great Festivals, the Priests of God do often invite the People to meet in the Church, to hear the Word of God, and be often present at the Sacraments of the Masses, and at preaching of Sermons.

[d] Probably their Clerks, and Scholars.

15. In the fifteenth Head they have determin'd, That the seven Canonical Hours of Prayer, by Day and Night be diligently observed, by singing proper Psalms, and Canticles; and that the Uniformity of the Monastic Psalmody be every where follow'd, and nothing be read, or sung, which is not allow'd by common Use; but only what is derived from the Authority of Holy Scriptures, and what the Custom of the *Roman* Church permits; that so Men may unanimously praise God with one Mouth. In this they also agreed, that Ecclesiastics, and Monastics [e] remember to intreat the Pity

[e] This seems only a general Hint, that all such as are here mention'd, shou'd have Kings in their Thoughts, when they were offering their Devotions for others. See *c.* 27.

Pity of the Divine Clemency, not only for themselves, but for Kings, and for the Safety of Christian People, at the proper Hours of Prayer.

16. They agreed in the sixteenth Head, that the Litanies, that is, Rogations, be with great Reverence kept by the Clergy, and all the People, on these Days, *viz.* the [f] seventh of the Kalends of *May*, according to the Rites of the Church of *Rome*, where this is call'd the greatest Litany; and also according to the Custom of our Ancestors, on the three Days before our Lord's Ascension into Heaven, with Fasting till [g] Nones, and Celebration of Masses, not with a Mixture of Vanities, as is the Fashion of many, who are either negligent or ignorant; that is, with Games, and Horse-Races, and great Banquets; but rather with Fear and Trembling, with the Sign of Christ's Passion, and of our Eternal Redemption, carried before them; together with the Reliсks of Saints. Let all the People, with bended Knees, humbly intreat the Pardon of God for their Sins.

[f] St. *Mark*'s-Day: But these Litanies were not intended in Honour to that Saint, but were instituted by Pope *Gregory* I. in Time of great Extremities.

[g] The ninth Hour; which was one of the seven Hours of Prayer; now three in the Afternoon.

17. It was constituted in the seventeenth Precept, That the Birth-day of the blessed Pope *Gregory*, and also the Day of the [h] Deposition of St. *Augustin*

[h] *Birth*, and *Deposition*, here signify the same thing, *viz.* the Day of their Death. *Litany* has two Significations in this Canon, *viz.* Processions, with Cross, and Relicks, carried before the People; and in the last Clause it signifies Prayers; Superstition was now growing apace in this Island. It shou'd seem the Feast of St. *Augustin* was now lately instituted, and for that Reason the Day is here particularly express'd; but *Gregory*'s was more ancient, and better known, and therfore ther was no occasion to name the particular Day.

guſtin, the Archbiſhop and Confeſſor, (who being ſent to the Nation of the *Engliſh*, by the ſaid Pope our Father *Gregory*, firſt brought the Knowledge of Faith, the Sacrament of Baptiſm, and the Notice of the Heavenly Country,) which is the ſeventh of the Kalends of *June*, be honourably obſerved by all; ſo that each Day be kept with a Ceſſation from Labour, by Eccleſiaſtics and Monaſtics; and that the Name of our ſaid Bleſſed Father and Doctor *Auguſtin*, be always mention'd in ſinging the Litany, after the Invocation of St. *Gregory*.

18. It was conſtituted in the fifth Mandate, That none neglect the [i] Times of the Faſts; that is, of the fourth, ſeventh, and tenth Month; but that the People be informed of them every Year before they begin, that ſo they may know and obſerve the eſtabliſh'd Faſts of the Univerſal Church, and that all may do it in an uniform Manner, and make no Difference in the Obſervance; but take care to celebrate it according to the Rites of the Church of *Rome*, of which we have a written Copy.

[i] It ſeems unaccountable, that *Cuthbert* here ſhou'd ſpeak of the *Ember*-Weeks, in ſo different a Manner from *Ecgbriht*, *Anſw.* 16. when they were both of them Archbiſhops at this ſame Time; and both of them cite Pope *Gregory*'s Books for their Authority. But in Truth, I look on the Difficulty to be really none at all. *Cuthbert* did not mention the *Lent-Ember*, as being part of the Great *Lenten* Faſt. But *Ecgbriht* conſidered it as a Faſt abſtracted from that of *Lent*, tho' in Theory only, not at all in Fact. So *Gelaſius* mentions only the three *Embers* here ſet down by *Cuthbert*; yet he adds, that Prieſts and Deacons might be Ordained in the firſt, or middle Week of *Lent*, and on the Holy Sabbath, that is, *Eaſter-Eve*. *Diſt.* 75. *c.* 7.

19. It was given in Charge, in the nineteenth place, That Monks, or Nuns, be humbly ſubject to their Superior, regularly conſtituted, and lead a quiet

quiet regular Life, and without Diſſention, and firmly retain thoſe Things, which are agreeable to the Deſign of their Habit: And let them not uſe gorgeous Apparel, or ſuch as ſavours of Vain-glory, like Seculars; but a ſimple Habit, and ſuch as agrees with their Profeſſion.

20. It is enacted by the twentieth Decree, that Biſhops, by a vigilant Inſpection in their Pariſhes, take care, that Monaſteries, as their Name imports, be honeſt Retreats for the ſilent, and quiet, and ſuch as labour for God's ſake; not Receptacles of ludicrous Arts, of Verſifiers, Harpers, and Buffoons, but Houſes for them who pray, and read, and praiſe God: And that Leave be not given to every Secular, to walk up and down, in Places which are not proper for them, *viz.* the private Apartments of a Monaſtery, leſt they take an Occaſion of Reproach, if they ſee or hear any Indecency in the Cloyſters of a Monaſtery: For the cuſtomary Familiarity of Laymen, eſpecially in the Monaſteries of Nuns, who are [a] not very ſtrict in their Converſation, is hurtful and vicious: Becauſe by this means Occaſions of Suſpicions do not only ariſe among [b] Adverſaries, or wicked Men, but are in Fact committed, and ſpread abroad, to the Infamy of our Profeſſion. Let [not], therfore, Nunneries be Places of ſecret Rendezvous for filthy Talk, Junketing, Drunkenneſs, and Luxury, but Habitations for ſuch as live in Continence and Sobriety, and who read, and ſing Pſalms: And let them ſpend their Time in reading Books, and ſinging Pſalms, rather than in weaving and working party-colour'd, vain-glorious Apparel.

[a] *Minus regulariter converſantium*, MS. not, *Mimis*, *&c.* as Sir *H. S.*

[b] *Diverſorum ſive nefandorum*, MS. not, ----*arum*, as Sir *H. S.*

21. It is ordained in the twenty-first place, That Monastics and Ecclesiastics don't follow nor affect the Vice of Drunkenness, but avoid it as deadly Poyson, since the Apostle declares, that *Drunkards inherit not the Kingdom of God:* And at another Place, *Be not drunk with Wine, in which is Luxury.* Nor let them force others to drink intemperately, but let their Entertainments be cleanly and sober, not luxurious, nor with any Mixture of Delicacies or Scurrilities, lest the Reverence due to their Habit, grow into Contempt, and deserved Infamy among Seculars; and that, unless some necessary Infirmity compel them, they don't, like common Tiplers, [c] help themselves, or others, to Drink, till the Canonical, that is, the Ninth Hour, be fully come.

[c] Lat. *Potationibus non serviant.*

22. It was decreed in the twenty-second Head, That all Monastics, and Ecclesiastics, be admonish'd to keep themselves always prepared for the Holy Communion of the Body and Blood of our Lord; and that Rectors take diligent Care, that none of their Subjects lead such dissolute wretched Lives, as to be separated from the Participation of the Altar, (their Sins so requiring) or be careless in confessing, and doing Penance for their Crimes. If any one be found so, let him be sharply reproved.

23. It was added, in the twenty-third place, That Lay-Boys be also admonish'd often to Communicate, while they are not yet corrupted, as not being of the lustful Age; also those of a riper Age, whether Batchelors, or married Men, who refrain from Sin, are to be exhorted to the same Purpose, that they frequently Communicate, lest they grow weak for want of the salutary Meat and Drink, since

ſince our Lord ſays, *Except ye eat the Fleſh of the Son of Man*, &c.

24. It was enacted in the twenty-fourth Head, That if any Secular deſire to enter into the Service of the [d] Holy Profeſſion, he do not receive the Tonſure, before his Converſation, and moral Qualifications (according to the Preſcript of the Monaſtic Rule) be clearly tried, according to the Apoſtolical Precept, when he ſays, *Try the Spirits, whether they are of God;* unleſs ſome reaſonable Cauſe plead for his being admitted into the Congregation before. Further, let Biſhops of Churches, and Rectors of Monaſteries, know, that they ought the more diligently to try and examine every one, while he is in the Lay-habit, before his [e] Converſion to the Monaſtic Life, that [f] he may the better bear with him, being ſuch as he had upon Trial found him; if after his Admiſſion he diſpleaſe, and prove indocible; nor by any Means raſhly expel him, for any Cauſe, ſo as that he ſcandalouſly go from one Layman's Houſe to another, to the Reproach of our Profeſſion; unleſs the Cauſe be ſuch, as if it does happen, [g] a Decree of a Synod has determin'd, that he be diſmiſs'd and anathematized by all, in all Places, unleſs he come to Satisfaction.

[d] Monkery.

[e] I read, *Converſionem cœnobialem*, not *Converſationem*, as Sir *H. S.* and the MS. tho' the other Word may ſerve. Taking a Monk's Frock, was *Converſion*, in this Age.

[f] *Docuerit vel docet*, I omit. The Place is corrupted, and I have not Skill enough to reſtore the true Reading; but the Tranſlation contains the main of the Senſe, and what is loſt can be of no great Conſequence.

[g] The 16th Canon of *Calcedon* Excommunicates Monks, or Nuns, for Marriage.

25. It was determin'd in the twenty-fifth Head, That Biſhops coming from Synods, aſſembling the Prieſts, Abbots, and Chiefs [of Monaſteries and Churches] within their Pariſh, and laying before them the Injunctions of the Synod, give it in charge, that they be kept [h]. And, if ther be any thing, which a Biſhop cannot reform in his own Dioceſe, let him lay it before the Archbiſhop in Synod, and publickly before all, in order to its being reformed.

[h] It is probable, that here is an End of the Canons, as they were firſt drawn by the Archbiſhop: What follows, was added at the Time and Place of Synod.

26. In the twenty-ſixth place, the Sentiments of the Fathers, concerning the Profitableneſs of Alms, were produced; as that they are neceſſary to be done daily by faithful Men, that ſo paſt Sins may the ſooner, and more fully be forgiven by God, to Offenders, who are doing Penance by Alms; and that the Divine Protection may by them be obtained, that they may not again commit the ſame Sins, nor any other ſuch like; and by all that live religiouſly, that the Purity of their Innocency being graciouſly preſerved by God, a Recompenſe of Things Eternal may be made to them hereafter in Heaven, in Conſideration of their freely diſpoſing of their Temporal Things, here on Earth. And certainly they are not to be given, to the Intent that a Man may commit any the leaſt Sins, with the greater Liberty, on account of the Alms given by him, or by any other in his Behalf. But [let them be given] in the Manner aforeſaid; for Alms is a Name and Work of Mercy: Therfore, let whoſoever deſires to do Mercy truly to his own Soul, not give Alms out of his unjuſt Plunder, but out of his own well-gotten Subſtance: For if it be given out of what is gotten by Cruelty, or Violence,

Violence, Divine Justice is rather provok'd than pacified by it, because, according to the * Scripture, *The Alms that is done out of the Substance of the poor, is like killing the Son in Presence of the Father.* Nor let a Man give Alms to the needy, to the Intent that he may more freely immerse himself in Gluttony and Drunkenness, beyond all Bounds; lest by putting God's Justice to Sale, he be not only more sharply, but more speedily condemn'd by it. And, to speak in general, let not any Men's Alms be daily given to God, with this View, that they may with Impunity act their bodily Lusts. For they do in vain give Alms that are entirely their own, [i] and free from any Mixture of wicked Dealing, who desire and hope, thro' the blindness of their Fancy, by this means to bribe the Supernal Judge: For they who act and think in this Manner, while they seem to give their own to God, do undoubtedly, by their Crimes, give their selves to the Devil. [k] Lastly, then let not Alms be given (according to the new-invented Conceit of Men's own Will, grown into a Custom dangerous to many) for the making an Abatement, or Commutation, of the satisfactory Fastings, and other expiatory Works, enjoined to a Man by a Priest of God, for his own Crimes, according to the [l] Ca-

* *Eccluſ.* xxxiv. 20. is here meant.

[i] *Non intermixto flagitio*, MS. not *flagitia*, as Sir *H. S.*

[k] Monsieur *Petit*, *Pag.* 119. of his Dissertation, entitled, *Theodori de Pœnitentiâ Doctrina ab omni novitatis ſuſpicione vindicata*, observes, That this Canon does not condemn the Practice of giving Alms by way of Penance, with a Purpose of leaving Sin, but giving them in hopes to purchase License to Sin: Yet it must be allowed, that this Canon forbids the Commutation of Fasting, by Alms, which yet *Theodore's Penitential*, as publish'd by *Petit*, allows, as likewise the Penitential Canons ascribed to *Bede*, 14, 15.

[l] By the *Canon-Law* here, is meant, the Canons of the Latin Church, and the Penitentials now in use.

non-Law; but rather as an Increaſe of his own Satisfaction, that the divine Wrath, which he hath provoked by his own Demerits, may the ſooner be pacified. And withal, the more [a] unlawful Things a Man hath done, the more he ought to abſtain from Things that are lawful; and the greater Sins he hath committed, the greater Fruit of good Works he ought to yield to God; and not to drop or leſſen ſome good Works, by practiſing others in their ſtead. For it is good to be aſſiduous in Pſalmody, and often to bow the Knee with a ſincere Intention, and daily to give Alms; yet Abſtinence is not to be remitted; Faſting, once impoſed by the Rule of the Church, without which no Sins are forgiven, is not to be remitted on account of theſe. Let theſe, and ſuch like, be done as [b] Additions for the more full Expiation of Sin. For it is neceſſary that the jolly Fleſh, which drew us into Sin by its Incontinence, being afflicted by Faſting, ſhou'd haſten our Pardon: For ſuch Sins as exclude us from the Kingdom of Heaven, if they are not corrected, are to be expiated with all the [c] pious Actions that a Man can do. For one knows not what the following Day may bring forth, and for how long a Time he may be in a Condition to do any good Deeds for his former evil ones: For he who hath promiſed Pardon to the Sinner hath not promiſed him another Day.

[a] *Inlicita*, MS. not *Inclyta*, as Sir *H. S.*

[b] *Augmenta*, MS. not *Argumenta*, as Sir *H. S.*

[c] *Pijs*, MS. not *plus*, as Sir *H. S.* delete Colon at *homini*, put it after *feſtinanter*.

27. In the twenty-ſeventh, when they were thus diſcourſing much of thoſe who ſing Pſalms, or ſpiritual Songs profitably, or of thoſe who do it negligently, Pſalmody (ſay they) is a divine Work, a great Cure in many Caſes, for the Souls of them who

who do it *in Spirit*, and Mind. [d] But they that ſing with Voice, without the inward Meaning, may make the Sound reſemble [e] ſomething: Therfore, tho' a Man knows not the Latin Words that are ſung, yet he may devoutly apply the Intentions of his own Heart, to the Things which are at preſent to be ask'd of God, and fix them there to the beſt of his Power. For the *Pſalms*, which proceeded of old thro' the Mouth of the Prophet, from the Holy Ghoſt, are to be ſung with the inward Intention of the Heart, and a ſuitable Humiliation of the Body, to the end that [f] [by the Oracles of Divine Praiſe, and the Sacraments of our Salvation, and the humble Confeſſion of Sins, or by devoutly imploring the Pardon of them, they that touch the Ears of Divine Pity by praying for any valuable Thing, may the more deſerve to be heard, by their deſiring and affecting to draw near to God, and to appeaſe him by the Means which

[d] *Autem*, MS. not *hanc*, as Sir *H. S.*

[e] The MS. has, *adcujus rei*, not *ad cuivis*, as Sir *H. S.* I take the Liberty to read it *alicujus*, *&c.* and underſtand *eſt*, as *licet*. I conceive the Senſe to be obvious enough, tho' the Words are odly put together. The Fathers, in this Canon, ſeem clearly to ſpeak of *Spiritual Singing*, *and Prayer*, as if it conſiſted in putting a certain ſeaſonable Meaning upon Words that were ſaid, or ſung, but not underſtood. I believe it may eaſily be maintained, that this Notion is as true, as that which has of late Years prevailed, *viz.* that praying *extempore* is praying by the Spirit. Indeed it muſt often happen, that to pray *extempore*, and to pray in Words not underſtood by the People, to which yet they give ſome ſeaſonable Meaning, are the very ſame thing. This clearly explains what is meant by ſaying Pſalms for other Men, which is ſo often mention'd in Eccleſiaſtical Canons and Conſtitutions.

[f] What is here encloſed in Hooks, has no certain Syntax, nor clear Senſe, in the Latin.

g I before mentioned, especially their most holy and divine Service]; while they offer Variety of Prayers and Praises to God in that sacred Modulation, either for themselves, or for others, Quick or Dead, while at the end of every Psalmody, they bow their Knees in Prayer, and say in the Latin, or, if they have not learn'd that, in the Saxonic, *Lord have Mercy on him, and forgive him his Sins, and convert him to do thy Will:* Or, if for the Dead, *Lord, according to the greatness of thy Mercy, grant Rest to his Soul, and for thine infinite Pity vouchsafe to him the Joys of eternal Light with thy Saints.* But let them who pray for themselves have a great Faith in Psalmody [perform'd] with Reverence, as very profitable to them, when done in Manner aforesaid (on Condition that they persist in the h Expiation of their Crimes, and not in the i Allowance of their Vices) that is, they may the sooner, and the more easily deserve to arrive at the Grace of divine Reconciliation, by Prayers, and Intercessions, while they worthily sing, and pray; or that they may improve in what is good; or that they may obtain what they piously ask: Not with any Intent, that they may for one Moment do Evil, or omit Good, with the greater Liberty, or relax Fasting, injoined for Sin, or give the less Alms, because they believe others sing Psalms, or Fast for them. For let every one certainly know, that his own self-same Flesh, which

g Either *Cuthbert*, or some one of the Bishops, drew up this, and here forgot that he was speaking in the Name of a Synod, and so used the Singular Number: Or else it was left to be drawn by the Actuary, and forgotten to be reviewed by the Archbishop or Bishops. This latter seems most credible to me; and it is probable that the Actuary added the short Preface to every Canon.

h *Expiatione*, as MS. not *Expectatione*, as Sir *H. S.*

i Lat. *Passione*; which they understood as we do *Sufferance*.

which hath been the Cauſes of unlawful wicked Deſires, ought to be reſtrained from what is lawful; and that a Man ſhou'd puniſh it at preſent, in proportion to its Guilt, if he deſire not to be puniſh'd hereafter by the Eternal Judge. Let himſelf firſt importune the Divine Clemency, with Groanings of Heart for the Reſtoration of himſelf, and then bring as many Servants of God as he can, to make their common Prayers to God for him. For [a] if they promiſe, or believe, or act, otherwiſe than hath been before ſaid, they do not leſſen Sins, but add Sins to Sins; becauſe by this means (above all the reſt) they provoke the Anger of the Supernal Judge; becauſe they dare ſet his Juſtice to ſale every Day [b] by an unmeaſurable Flattery, and the exceſſive Blandiſhment of luxurious Converſation. We muſt ſpeak at large of this, becauſe a worldly rich Man of late, deſiring that ſpeedy Reconciliation might be granted him for groſs Sin, affirmed by Letters, That that Sin of his, as many aſſured him, was ſo fully expiated, that if he could live three hundred Year longer, his Faſting was already paid, by the [new] Modes of Satisfaction, *viz.* by the Pſalmody, Faſting, and Alms of others, abating his own Faſting, or [c] however inſufficient it were. If then Divine Juſtice can be appeaſed by others, why, O ye fooliſh Enſurers! is it ſaid by the Voice of Truth itſelf, that *it is eaſier for a Camel to go thro' the Eye of a Needle, than for a rich Man to enter into the Kingdom of Heaven,*

[a] This will be beſt explained by the Canons of King *Edgar*, in the Year 964. *c.* 20.

[b] I conjecturally read the Latin thus, *Immensâ adulatione, atq; illecebroſo exceſſu luxurioſæ Converſationis, &c.* I ſuppoſe theſe Words alluded to the great Treats or Entertainments made by theſe wealthy Offenders, to them who took a ſhare in theſe Mock-Penances.

[c] *Utcunque*, as MS. not *utrunque*, as Sir *H. S.*

Heaven, when he can with Bribes purchaſe the innumerable Faſtings of others for his own Crimes? O that ye might [d] periſh alone, ye that are deſervedly called the Gates of Hell [e] —— before others are enſnared by your miſguiding Flattery, and led into the Plague of God's Eternal Indignation. Let no Man deceive himſelf, God deceives none, when he ſays by the Apoſtle, *We ſhall all ſtand before the Judgment Seat of Chriſt*, &c.

[d] *Pereatis*, MS. not *Pietatis*, as Sir *H. S.*

[e] *Per ſuas ſortes peccatorum*, are the Words here omitted.

28. In the twenty-eighth Mandate they charged, That no [Head of a Monaſtery] admit a greater Congregation than he can maintain, and find in Neceſſaries. If any have unwarily done this, let them exact the leſs Work of them, till they can give them Food and Raiment ſuitable to their Habit of Profeſſion. And among other Obſervances of the regular Life, let them uſe the accuſtomed Apparel of thoſe [f] who have been before them, whether they are Clerks or Monks: And let them not imitate Seculars in the faſhionable Gartering of their Legs, nor in having [g] Shags round about their Heads, after the Faſhion of the Layman's Cloke, contrary to the Cuſtom of the Church. Likewiſe, that Nuns, veiled by the Prieſt, and having

[f] Lat. *Priorum*. It may ſignify their Priors, or Governors.

[g] Lat. *Coculas in circumdatione capitis*. See *Coccula*, in *Spelman*'s *Gloſſary*, *Cock-bote* in *Kennet*'s. It ſeems plain, from this and other Paſſages, that the outward Garment of Laymen, as well as Clergymen, cover'd the Head as well as whole Body: And it is likewiſe probable, that the Clergymen and Monks had the ſame Habit at this Time: Or indeed, that ther were very few Clergymen but what were Monks, which appears eſpecially from the next Canon.

having taken the Habit of their Holy Profession, ought not to go in Secular Apparel, or in gaudy, gay Clothes, such as Lay-Girls use, but take care always to keep the Garb of Chastity, which they have received, to signify their Humility and Contempt of the World; lest the Hearts of others be defiled with the Sight of them; and they by this means be found guilty of this Defilement in the Sight of God.

29. They decreed in the twenty-ninth Canonical Edict, that Clerks, Monks, and Nuns, may not, after this Synod, dwell in the Houses of Seculars, with Laymen, but return to the Monasteries where they first took the Habit of the Holy Profession, out of which they departed of their own accord, or were ejected by the Violence of others, as hath certainly been done in many Places; nor let free Ingress be denied them, upon their Return, on account of any past Fault. But if any of either Sex, not being under a Curse, but [going away] with the License, and Benediction of [their Superiors] have afterwards been peaceably admitted by others into their Society; and yet since that run up and down roving and unsettled, among the Laity, the Return [h] aforesaid injoined to them, relates not to the House, from which they regularly departed; but to the Place where they had been regularly received into Society, by mutual Consent and License.

[h] *Prædicta*, MS. not, *prædicata*, as Sir *H. S.*

30. As to the thirtieth Head, [i] a long Debate was publickly made, between the Priests of God and those of an inferior Degree [k] of Dignity, consulting how they might in the present State wholly

[i] *Sermo diutius prolatus est*, not *prolatum*, as MS. much less *probatum*, as Sir *H. S.*

[k] *Dignitatis*, MS. not ------*tes*, as Sir *H. S.*

ly silence the Jealousies, or suspicious Words of some (when the internal Discerner of Secrets was Witness, that the Notion was vain and false) *viz.* that Kings, with their [l] Dukes and Princes, and many lesser Potentates, use to speak of them, as tho' they were not only unsincere in their Affections towards them, but rather envied their Abundance, and Prosperity in Things present, with a malignant Mind, rather than rejoiced at it with a devout Heart; and did not cease their Detractions against their Way of living. For they thought that any Man of Eminence and Honour did very undeservedly, for some Causes, speak and think thus of them; because this was not only contrary to the Vow of their Habit, but to the Evangelical and Apostolical Doctrine, *viz.* that he who is a Preacher of Love to God and Man, (who is created after the Image of God) shou'd for the least Moment of Time admit the Fuel of Hatred or Envy to lurk within him. That therfore the Accusers might certainly be made to confess, that they were wholly free from this Vice, so detestable, not only before God, but Man, they ordain'd, That henceforth Ecclesiastics and Monastics shou'd, in their [m] Canonical Hours, intreat the Divine Clemency,

[l] *Duces* seems to be the Latin Word for Heρe-τoγaι, Leaders of the Army: For Dukes, as we now take that Title, were scarce in being here in *England*, at this Time. The Earl was the highest of the Nobility.

[m] *The Canonical Hours* signifies here, not only the Times of the Day and Night used for publick Devotions, but the stated Forms then used. I suppose it evident, that ther were then no Prayers for Kings, or Potentates, among these Forms: If ther had, they wou'd have been used before this Council; and then ther could have been no Occation to order Prayers for Kings, and Potentates, in this Canon. Yet tho' Prayers are order'd to be offer'd for them, no new Forms are enjoined: And I conceive it certain,

certain, that no Prayers were then publickly read or pronounced, but such as were contained in their Books. If it then be ask'd, How Prayers were to be made for Kings and Potentates? I answer, Just in the same manner that they were to be made for other particular Men: For which see *Can.* 27. above. They either, by virtue of a strong Imagination, fancied that the Latin Words sounded their Wishes for the Prosperity of their Civil Governors, or (if they understood Latin) did in their Thoughts take in their Civil Governors, when they were praying for general Blessings, and Divine Favours; or else, after the end of their Psalmodies, or other Offices, they kneeled down, and every one singly, or as many as pleased, prayed privately, according to the Words of this Canon, *for Kings, Dukes, and Potentates, and for the Safety of all Christian People, that they may deserve to lead a quiet and peaceable Life under their Protection.*

Clemency, not only for themselves, but for Kings, Dukes, and for the Safety of all Christian People, that they may deserve to lead a quiet and peaceable Life, under their pious Protection: And that they should for the future be unanimous in Faith, Hope, and Love toward God, and in mutual good Affection toward each other; that after the Course of this Pilgrimage, they all together may merit to arrive at the Country which is above; and that the Divine Clemency shou'd more earnestly be intreated in Behalf of such as do most often extend their pious Patronage to the Church, while they are alive; and that the attoning Celebration be often piously performed, by the Ministration of great Numbers of Priests of Christ, for the Rest of their Souls, when they are dead; on Condition that they remember to prepare themselves for this Benefit, while they are living.

N. B. Sir *H. S.*'s printed Copy varies from the *Cotton* MS. (*Otho A.* 1.) in about 150 Particulars, all these Variations, excepting those above observed, which are near 20, seem to me to be proper obvious

obvious Emendations made by Sir *H. S.* of a very unaccurate Tranſcript, tho' the only one we have. Generally ſpeaking, Sir *H. S.*'s Corrections are only of groſs Miſ-ſpellings, therfore I did not think it worth while to take Notice of them, no more than of thoſe which were printed without Correction, which are very many; but which every Latin Reader can want no help to rectify.

It is obſervable, that tho' in many Particulars this Council copied after the Pattern which Boniface *had ſet them, yet in the firſt and main part they deſert it; I mean in this, that they profeſs no Subjection to the Pope, nor make any Recognition of his Sovereign Authority, as they in* Germany *had done. Nor do they countenance that horrible Reproach caſt upon the Female Pilgrims by* Boniface, *by forbidding that Sex to travel into foreign Countries: Tho' I think they had in doing this laſt, acted for the Honour of Religion, and of their Country, if ther was any ſuch Occaſion for it as* Boniface *pretended. But Archbiſhop* Cuthbert *had ſo great an Honour for* Boniface, *that he ordered the Day of his Martyrdom to be obſerved, in a general Synod.*

A. D.

A. D. [a] DCCLXXXV.

Legatine Canons at *Cealchythe.*

PREFACE.

About this Time, Gregory, *Bishop of* Ostia, *and another of the same Order, nam'd* Theophylact, *were sent hither, in the Quality of Legates, from* Rome, *by Pope* Adrian, *to exercise the Papal Authority. They call themselves the first Priests that had been sent from* Rome, *since* Augustin *the first Archbishop of* Canterbury; *and it were to be wish'd they had been the last too, that came upon such an Errand. They were honourably receiv'd by* Janbyrht, (*otherwise call'd* Eanbert, *and* Lambert,) *from thence they proceeded to the Court of* Offa, *King of* Mercia: *From thence* Gregory, *with* Wighod, *an Abbot, whom* Charles *the Emperor sent to attend the Legates, proceeds to the Kingdom of* Northumberland, *and there holds a Council. It is evident, the Legates had all ready drawn, and put neither the Ecclesiastics nor Seculars to the Trouble of debating any single Point. Both Councils subscribe to the same Form of Words; which is too sad an Evidence of the tame implicit Faith and Obedience of the Church and State, at this time of Day. These are call'd the Constitutions of* Cealchythe, *and tho' it have four or five other Names, which differ in two or three Letters, yet the Place,* Sir H. S. Vol. I. p. 292.

[a] But Sir *H. S.* dates it, 797. I rather choose to follow the *Sax. Chron.*

Place, as well as Conſtitutions, are agreed to be one and the ſame. Whether this Place was in the Kingdom of Northumberland, *or of* Mercia, *is not certainly known. The Monk of St.* Albans, *who wrote King* Offa's *Life, ſpeaks of it as in* Mercia, *yet others think it was more* Northward. *The Learned Biſhop* Gibſon *obſerves, that ther is a Town in* Lancaſhire, *on the Borders of* Cheſhire, *call'd* Kelcheth. *This being on the Confines of the two Kingdoms, might ſometimes be in the Dominion of the King of* Northumberland, *at other Times of* Mercia. Offa *was very much diſpos'd to enlarge his Bounds; as appears by his Attempts on the Kingdoms of* Kent, Weſt-Saxony, *and* Eaſt-Angles: *He was an Oſtentatious Prince, and might be willing to ſhew the Legates the utmoſt Bounds of his Kingdom, that they might report his Grandeur to the Pope, and Emperor, his great Ally. But if the* Mercians *Council was held at* Kelcheth, *the* Northumbrian *Council muſt have been at ſome Place lying farther* Northward.

All the farther Account I ſhall give of this Synod, and its Acts and Canons, ſhall be by tranſlating the laſt Clauſe of the Letter ſent by Gregory *the Legate, to the Pope, upon the Concluſion of it, and the Conſtitutions there made, as you have them in Sir* H. S. Vol. 1. p. 293.

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Lat. WE wrote a Capitular of all the Particulars, and rehearſed them all in Order in their Hearing, who with all humble Submiſſion, and with an appearing Willingneſs, embracing the Admonition, and our Parvitude, promis'd in all Particulars to obey: Then we delivered to them your Letters to read, obteſting them, that they would ſee that the Holy Decrees be obſerv'd, both by themſelves and their Subjects. Now theſe are the Heads

Heads which we produced to be obſerv'd by them.

1. That the Holy inviolate Faith of the *Nicene* Council, be faithfully and firmly held, by all that are devoted to the Holy Service: And that the Prieſts of every Church, who are to teach the People, be diligently examined by the Biſhops every Year, in their Synodical Aſſemblies, concerning the Faith: So that they may profeſs, hold, and teach the Apoſtolical Catholic Faith of the ſix Synods, which is approved of by the Holy Ghoſt, and not fear to die for it, if ther be Occaſion; and that they receive all ſuch Men as the univerſal Councils have received, and reject and condemn all thoſe heartily, whom they have condemned.

2. That Baptiſm be practis'd according to the Canonical Statutes, and not at any other [a] Time, except in great Neceſſity; that all in general know the Creed and the Lord's-Prayer: And that all who [b] undertake for Children at the Font, know, that they are Sureties to the Lord, according to their Sponſion; for the renouncing of Satan, his Works, and Pomps; and for their believing of the Creed; that they may teach them the Lord's-Prayer aforeſaid, and the Creed, while they are coming to Ripeneſs of Age: For if they do not, what is promiſed to God, in Behalf of them that cannot ſpeak, ſhall be with Rigour exacted of them. Therfore we enjoin, that this be charg'd on the Memories of all the People in general.

[a] At *Eaſter* and *Whitſuntide* only.

[b] Or rather, take them out of the Font, for this was formerly the Sponſor's Part. Lat. *Qui parvulos de ſacro Fonte ſuſcipiunt.*

3. That ther be two Councils every Year, according to the Canonical Inſtitutions; that the Briars and Thorns may be cut off from the Hearts

of all Offenders, as ſpurious Branches are by good Husbandmen. And let every Biſhop go round his Pariſh once every Year; carefully appointing Places of Aſſembly at convenient Diſtances; that all may meet to hear the Word of God, leſt any one, thro' the Neglect of the Shepherd, ignorantly going aſtray, ſuffer the Bites of the roaring Lion. Let him with watchful Care preach to [and] confirm the Flock committed to his Charge: Let him ſeparate the inceſtuous, coerce Sooth-ſayers, Fortune-tellers, Enchanters, Diviners, Wizards, and [c] ſuch as are guilty of Sacrilege; and ſuppreſs all Vices. And let no Man affect to feed the Flock committed to him, for filthy Lucre's ſake, but in hope of an eternal Recompence; and what he has freely receiv'd, let him freely give to all, as the Apoſtle obteſts, ſaying, (2 *Tim.* i. 1.) as the Prophet ſays, (*Iſai.* xl. 9.) that ſo he may excel in Merit as he does in Dignity. And that he may not be cramp'd by Fear while he is teaching, let him hearken [to theſe Words], *Lift up thy Voice*, &c. *Jeremiah* alſo ſays, *Gird up*, &c. *Jer.* i. 17. Alas! for this lamentable Lukewarmneſs, (as many conſidering Men ſay) why will ye be involv'd in the Love of Secular Things, or out-brav'd in opening the Word of Truth? If the Prelates of the Church are ſilent thro' Fear, or worldly Friendſhip, and do not reprove Sinners, or run away like falſe Shepherds, that care not for the Sheep, when they ſee the Wolf coming, why are they not more afraid of the King of Kings, and Lord of Lords? who reprehends Shepherds by the Prophets, ſaying, *Ye have not gone up*, &c. *Ezek.* xiii. 5. Laſtly, as the watchful Shepherd guards the Sheep againſt the wild Beaſts, ſo the Prieſt of God ought to be ſolicitous for the Flock, leſt the Enemy ſpoil, the Perſecutor

[c] *Sacrilegos*, Lat. I ſhou'd rather read, *Sortilegos*, Sorcerers.

Perſecutor annoy; leſt the ravening of the Powerful diſturb the Life of the Poor; ſince the Prophet ſays, If thou giveſt not Warning, *&c. Ezek.* iii. 18. *for the good Shepherd layeth down his Life for his Sheep*; Endeavour, my Fathers, and Brethren, that ye bear theſe Things in Mind, leſt it be ſaid to you, as to the Shepherds of *Iſrael, Ye feed yourſelves*, &c. but that ye may deſerve to hear, *Well done good and faithful Servant*, &c.

4. That Biſhops take great care, that Canons live canonically, and Monks and Nuns behave themſelves regularly, both as to Diet and Apparel, that ther may be a Diſtinction between a Canon, a Monk, and a Secular. Let the Monks uſe the Habit that the [d] Orientals do, and the Canons alſo; and not Garments died with *Indian* Tinctures, or very coſtly. But let Biſhops, Abbots, and Abbeſſes, give good Example to their Subjects, as *Peter* ſays, *Be ye a Pattern to the Flock*, &c. Therfore we adviſe, that the [e] Synodal Edicts of the ſix General Councils, with the Decrees of the *Roman* Pontiffs, be often read with Attention, and that the Eccleſiaſtic State be reformed, according to the Pattern preſcribed there; that ſo no Novelty be introduced, leſt ther be a Schiſm in the Church of God.

[d] It is hardly credible, that *Roman* Legates ſhou'd propoſe the Example of the *Eaſtern* People to be imitated by the *Engliſh*, unleſs by the *Eaſtern*, or *Orientals*, they meant the *Italians*, and neighbouring People, who were indeed ſometimes call'd *Orientals*, in this Age. See *Can.* 19.

[e] Here the Church of *England* clearly received the whole Body of Canons and Codes contained in the ſecond Volume of the *Clergyman's Vade-Mecum*, which *Adrian* the firſt, now Pope, preſented to the Emperor *Charles* the Great; and which he ſent to King *Offa*. Sir *H. S.* indeed, as well as others, ſuppoſes the Synodal Statutes, which *Charles* ſent to *Offa*, to have been

the Decrees of the second Council of *Nice*; yet he owns, they seem to have been sent some Years before the Sitting of that Synod; and it is evident, that the Writer of *Offa*'s Life, cou'd not mean these *Nicene* Decrees, for he says, they were sent for the informing the Minds of the *English* Prelates, which he believed to be rude and unpolish'd, and that *Offa* received it as a Gift from Heaven. But tho' *Charles* did afterwards send the *Nicene* Decrees hither, it could not be to inform our Churchmen; for he himself did not approve of them, and therfore could not be desirous that others should imbibe the Doctrine contained in them; nor does it appear, that either our Kings, Clergy, or People, did well relish these horrible Innovations, we have a great deal of Reason to believe the contrary; but what Sir *H.* applies to the Decrees of *Nice*, may very justly be understood of the Code of Canons, *&c.*

5. That if an Abbot or Abbess depart this Life, (which often happens) Religious Pastors of approved Life, be chosen from among themselves in the Lord, (who may take care of the Souls committed to them) with the Advice of the Bishop, within whose Parish the Monastery is situate. But if such a Man is not to be found in that Convent, let such an one be sent them from another, to govern them in the Lord; that they may with Humility, and Obedience, Day and Night, be imployed in fulfilling the Vow they have made to God, *having their Loins always girt about, and their Lamps burning*, &c.

6. That no Bishop presume to ordain a Man Priest, or Deacon, unless he be of an approved Life, and sufficient for the full Discharge of his Office; and let them continue in that Title to which they were consecrated; so that none presume to receive a Priest, or Deacon, from the Title that belongs to another, without a reasonable Cause, and Letters Commendatory.

7. That

7. That all publick Churches have their Course [of Divine Service] at the Canonical Hours with Reverence.

8. That Ancient Privileges confer'd on Churches by the Holy *Roman* See be preserv'd by all. But if any have been granted contrary to the Canonical Institutes, in Compliance with wicked Men, let them be [f] cancell'd.

[f] One would think that the Legates here exceeded their Commission, or that they were not in earnest when they drew this Canon.

9. That no Ecclesiastic presume to eat in secret, unless on the account of great Infirmity; for this is Hyprocrisy, and [the Way of] the [g] *Saracens*; therfore we are advised not to be *whited Sepulchres*, &c. especially since our Saviour says, [h] *See that you do not your Justice before Men*, &c. From hence we may see how little it signifies, to pretend to fast before Men, but swallow an Ox, or Horse, in secret; since our good Works are commanded to be done in secret, that we may be rewarded by him in whose Name they are done.

[g] *Saracens*, or *Mahumedans*, are said to fast in the Day, but revel in the Night. Their Profession is to abstain from Wine, but their Practice to drink it immoderately, in private. But perhaps it should be *Sarabattarum*, for *Saracenorum*. *Sarabattæ* were *Monachi sibi viventes*-------- *qui quicquid putaverint vel elegerint hoc dicunt sanctum, & quod noluerint hoc putant non licere. Benedict* calls them, *nullâ regulâ approbati*. See Sir *H. S.*'s *Glossary*.

[h] This is a literal Version of *Mat.* vi. 1. and a just one, says Dr. *Mill*, *in loc. & prolegom. p.* 42.

10. Let no Minister of the Altar presume to go celebrate the Mass, with naked Legs, lest his Filthiness appear, and God be offended. For if this was forbid in the Law, we know it ought more carefully to be observed in the Sacrament of

Christ. Let [i] Bread be offer'd by the Faithful, not Crusts. We have also forbidden the Chalice or Patten for sacrificing, to be made of an Oxes Horn, ——— [k] becaufe they are of Blood. [l] We have also there seen Bishops in their Councils, judging Secular Matters; and we forbade them with the Apostolical Saying, 2 *Tim.* ii. 4. we have also earnestly entreated, that Prayers be assiduously made for the Church of God, that God, and our Lord Jesus Christ may exalt, corroborate, protect, defend, and preserve her, without Spot, to the Praise and Glory of his Name, for ever and ever. *Amen.*

[i] It seems plain, that hitherto the People here in *England* brought to Church and Offer'd the Eucharistical Bread, and that therfore it was not provided either by the Priest, or any other Officer.

[k] Lat. *Quod de sanguine sunt.* It is true, with a little Breach of Concord, which is no uncommon Thing with our Forefathers, this may be understood of the Oxes Horn, of which the Chalice and Patten were, it seems, sometimes made; and this does, indeed, grow from the Blood of the Ox. But it may, perhaps, seem more probable to others, that these Words were part of a Clause against Clergymens judging in Causes of Blood, but curtail'd by the Transcriber; tho' Sir *H.S.* takes no notice of it. What follows favours this.

[l] From hence it appears, that the Bishop's sitting on the Bench with the Alderman, was so far from being an Imposition of the Pope, that he, by his Legates, wou'd have broken this Practice.

11. Our Address to Kings is, That they administer their Government with Caution, and Discretion, and that they judge righteously, as it is written [m] *Take hold of Discipline, O ye Kings,* &c. Further, as we have above directed Bishops to speak the Word of God with a Divine Authority, faithfully, and truly, without Fear, or Flattery, to

[m] *Psalm* ii. 12. according to the Vulgar.

to Kings, Princes, and all Dignities, never declining the Truth, sparing no Man, condemning no Man unjustly, excommunicating none without Cause, and to shew the Way of Salvation to all, both by Word and Example; so we have also admonish'd Kings, and Princes, that they from the Heart, with great Humility, obey their Bishops, because the Kingdom of Heaven is committed to them, and they have the Power of binding and loosing, as it is written, *Ask thy Father, and he shall shew thee, thy* [a] *Elders, and they shall tell thee, Deut.* xxxii. And the Apostle elsewhere, *Obey your Prelates as the Lord, for they watch for you, as they that are to give Account of your Souls, Heb.* xiii. 17. Our Saviour himself says to Doctors, *He that heareth you, heareth me,* &c. *Matt.* ii. 7. *The Lips of the Priest preserve Knowledge,* &c. *For he is the Angel of the Lord of Hosts.* If then Priests are called Angels, they cannot be judged by Secular Men. As the Apostle says, *for me it is a very small thing that I should be judged of you.* Also it is said by the *Psalmist, He reproved even Kings for their Sakes; touch not mine Anointed, and do my Prophets no harm.* And the Apostle [says], *Know ye not that we shall judge Angels, how much more the Things of this World?* 1 Cor. vi. 3. For as Kings are above all Dignities, so are Bishops, in Things pertaining to God.

[a] *Presbyteros*, Vulg. Lat. It was probably intended by the Authors of these Canons, to be understood of Priests.

[b] Therfore we exhort with all Earnestness, that all do indeed honour the Church of God, which

[b] This and the following Canon, were drawn with an Eye to Prince *Ecforth*'s being anoined King, in his Father *Offa*'s Life-time, but with his Consent; which was either actually done, or however, resolved upon, in this Synod, as the Historian informs us.

is the Spouſe of Chriſt; and not put on her an unrighteous Yoke of Servitude, nor wax proud with Secular Power, nor oppreſs others with Violence, as it is written, *The King's Power loveth Judgment*, *Pſal.* xcix. 4. Let every one of them conſider, how he expects that his Spouſe ſhould be honour'd by his Subjects; and let him ſee in this Earthly Example, how much the Spouſe of the King of Heaven ought to be reverenced; leſt it be ſaid of them, (which God forbid) *They have Reign'd, but not by me*, &c. *Heſ.* viii. 4. But that they may rather deſerve to have it ſaid, *I have found a Man after mine own Heart*, &c. *Pſal.* lxxxix. 19,—21. That [God] may grant them the Eternal Glory of the Kingdom, which is to come: And let Kings have wiſe Counſellors, fearing the Lord, of commendable Manners, that the People being inſtructed and reform'd, by the good Example of Kings and Princes, may improve to the Glory and Praiſe of Almighty God.

12. That in ordaining Kings, none permit the Votes of wicked Men to prevail. But let Kings be lawfully choſen, by the Prieſts, and Elders of the People; not ſuch as are born in Adultery or Inceſt; for as in our Times, according to the Canons, none can arrive at the Prieſthood, who is of an [c] Adulterous Brood, ſo neither can he who is not born in lawful Marriage, be the Lord's Anointed, King of the whole Kingdom, and Heir of the Country, ſince the Prophet ſays, *Know ye, that the Lord ruleth in the Kingdom of Men*, &c. We have admoniſh'd all in general, that with unanimous Voice and Heart they pray to the Lord, that he who elects him to the Kingdom, would give him the Spirit of Diſcipline, for the governing of his People: And let Honour be paid him by all, ſince the Apoſtle ſays, *Honour the King*, &c. 1 *Pet.* ii. 17, 13,

[c] Lat. *Adulter.* See *Can.* 16.

ii. 17. 13. Let none be guilty of Detraction toward the King, since *Solomon* says, *Detract not from the King with thy Mouth, nor curse the Prince in thine Heart*, &c. *Eccl.* x. 20. And let none conspire the Death of the King, because he is the Lord's Anointed. If a Bishop, or any of Priestly Degree, consent to such a Crime, let him be thrust out, as *Judas* was from the Apostolical Degree: And whoever approves of such Sacrilege, shall perish in the eternal Bond of an Anathema, and being a Comrade of *Judas*, shall burn in everlasting Fire, as it is written, *not only they who do it, but who approve it*, &c. *Rom.* i. *ult.* The two Eunuchs, who desir'd to kill King *Ahasuerus*, were hang'd on a Gallows, *Esth. Apoc.* xii. 3. Observe what *David* did, 1 *Sam.* xxiii. 5, 7. 2 *Sam.* i. *and this was imputed to him for Righteousness, and to his Seed after him.* It has been proved by many Examples among you, that whoever have been [the Authors] of killing their Lords, have shortly ended their own Lives, and been out-law'd, both in Church and State.

13. That the Great and Rich judge righteously, and accept not the Person of the Rich, nor despise the Poor, nor decline from Right, nor take Bribes against the Innocent; but [proceed] according to Truth and Justice; since the Prophet says, [d] *Judge the Thing that is right, O ye Sons of Men! Psal.* lviii. 2. Also elsewhere, *Lev.* xix. 15. as also *Isai.* L. 17. and at another place, *Lev.* viii. 6. The Lord says in the Gospel, *Mat.* vii. 2. nor shall you by Violence take from another that which belongs to him, as it is said, *Ex.* xx. 17. for the Prophet threatens, saying, *Isai.* v. 8. Again, a Prophet cries, saying, *Psal.* lxxxiv. 2. Remember what he deserves, who scandalizes a little one; but he who receives one of these, receives Christ. May you deserve,

[d] This is, according to the Vulgar, *Psal.* lvii. 1.

deserve to have it said to you at the Judgment, *Come ye Blessed, take Possession of,* &c.

14. Let Fraud, Violence, and Rapine, be abhor'd, and let not unjust Tributes be impos'd on the Church of God, nor greater than those allow'd by the *Roman* Law, and the Custom of former Emperors, Kings, and Princes, and let them endeavour to keep themselves wholly free from this Vice of Violence, who desire to keep themselves in Communion with the Holy Church of *Rome*, and blessed *Peter, the Prince of the Apostles.* Let ther be Concord and Unanimity every where, between Kings and Bishops, Ecclesiastics and Laymen, and all Christian People, that the Churches of God may be at Unity in all Places, and that ther be Peace in the one Church, continuing in one Faith, Hope and Charity, having one Head, which is Christ, whose Members ought to help each other, and to love with a mutual Charity, as he himself hath said, *Joh.* xiii. 35.

15. All unrighteous Marriage is forbidden, as also such as are Incestuous, as well with the [e] Handmaids of the Lord, or other unlawful Persons, as with those that are too near akin; as also with foreign Women: And let him who does such Things, be struck with the Sword of Anathema, unless correcting himself, he repent of his wicked Presumption, and correct and reclaim himself according to right Law, in Obedience to his Bishop.

[e] Nuns.

16. Sons of Whores are depriv'd of lawful Inheritance; and we judge those that are born in Adultery, or of Nuns, to be spurious and [f] illegitimate: For we do not stick to call a Virgin, that has devoted her self to God, and put on, as it it were, the Garment of the Holy *Mary*, the SPOUSE

[f] *Adulteros*, Lat.

SPOUSE of CHRIST. Now it is manifeſt, in heavenly Reſpects, as well as earthly, that he [g] who takes a Spouſe, [from one more powerful than himſelf,] ſhall not eſcape unpuniſh'd: Therfore the Apoſtle ſays, *He that profanes the Temple of God, him ſhall God deſtroy*, 1 *Cor.* iii. 17. and the ſame Apoſtle ſays, *Eph.* v. 5. Conſider whether Secular Inheritance be not cut off from ſuch by the Scripture, when it ſays, *The Son of the Bondwoman ſhall not be Heir*, &c. *Gal.* iv. 30. But an Adulterer may ſay, My Whore is not a Bondwoman, but a Free. To theſe we anſwer, with Apoſtolical Authority, *Know ye not, that to whom ye yield your ſelves Servants to obey, his Servants ye are, whether of Sin unto Death*, &c. *Rom.* vi. 16. Therfore we have commanded, in the Words of the Apoſtle, that *for the avoiding of Fornication, every* Layman *have his own Wife; and every Woman her own Husband*, 1 *Cor.* vii. 2. that ſo they may have lawful Heirs in the Lord, who may be alſo Heirs of God, and Coheirs in Chriſt. Farther, as it is preſcribed in the Canon, and in the Goſpel, and in the Decrees of the Apoſtles, concerning lawful Marriages, and the appointed Time of [h] marrying, and abſtaining; we preſume to add nothing to theſe Decrees: *If any ſeem to be contentious, we have no ſuch Cuſtom*, &c.

[g] *Quia non potentiorem ſe ſponſam tulerit*, ſays Sir *H. S.*'s Copy. I read by Conjecture, *Qui a potentiore ſe ſponſam tulerit*. Ther is nothing depends upon it.

[h] *Marrying*, here ſignifies not Matrimony, properly ſo called; but the Conjugal Act, as in *Ecgbriht*'s *Excerption* 106. in the Year 740. See Pope *Gregory*'s Anſwer to *Auguſtin*'s 8th Queſtion, *Art.* 6. By the Apoſtolical Decree may be meant, 1 *Cor.* vii. 5. I find no prohibited Times ſo early as this; I mean for the Solemnity of Marriage.

17. As

17. As to paying Tythes, it is written in the Law, *The Tenth part of all thine Increaſe* ——— [a] *If thou bring thy Firſt-Fruits into the Houſe of the Lord* ——— Again, by the Prophet, *Bring ye all the Tythe into the Store-houſe*, &c. *Mal.* iii. 10. As a wiſe Man ſays, *No Man can juſtly give Alms of what he poſſeſſeth, unleſs he hath firſt ſeparated to the Lord, what he from the beginning directed to be paid to him.* And on this Account it often happens, that he who does not pay Tythes, is himſelf reduced to a Tenth; therfore we do ſolemnly injoin, that all take care to pay the Tenth of all that they poſſeſs, becauſe that peculiarly belongs to God: And let them live and give Alms out of the nine Parts; and we adviſe, that Alms be given in ſecret, becauſe it is written, *When thou giveſt Alms ſound not a Trumpet*, &c. *Mat.* vi. 2.

[a] Here ſeems to be an *hiatus.*

We have alſo forbidden Uſury, ſince the Lord ſays to *David*, that *he ſhall be worthy to dwell in his Tabernacle, who hath not lent Money upon Uſury.* And *Auguſtin* ſays, [b] *Who can have unjuſt Gain, without juſtly deſerved Loſs?* Where ther is Gain, there is Loſs: Gain in the Coffers, Loſs in the Conſcience.

[b] For *qui*, read, *quis*; with a Note of Interrogation at *damno.*

We have alſo ordained, That equal Meaſure, and equal Weight, be injoin'd to all, ſince *Solomon* ſays, *Diverſe Weights, and diverſe Meaſures the Lord hateth, Prov.* xx. 10. that is, buying by one Weight and Meaſure, and ſelling by another: For God every where loves Juſtice, *his Countenance beholds the Thing that is right.*

18. That

18. That the Vows of Christians be fulfilled; for by this Means the ancient Patriarchs and Prophets pleased God. *Abel* the Just, with a faithful Mind offer'd a Vow of his Fatlings: And this was more acceptable to God, than that of that Parricide, therfore God, with a Fire from himself, consum'd those acceptable Holocausts, but despis'd what was offer'd without a good Mind [by *Cain*], who being therfore condemn'd with a Curse, deserv'd [the divine] Wrath: But the younger was crown'd with a happy Martyrdom. Remember *Enoch*, who paid the Vow that he had made, and was translated quick in the Body: So did the Righteous *Noe*, and he alone, with seven of his Family, was deliver'd from the Inundation of the World. What need I speak of *Abraham*, who paid all his Vows, and his Tythes, to *Melchisedech* the Priest? For he triumphed over his Enemies, therfore he deserved not only to adore, but also to entertain with his Hospitality, the Lord in Trinity, *Gen.* xviii. 2. and to have a Son of Promise, by a Woman that was ninety Years old: And he refus'd not to sacrifice that Son of Promise, (tho' the Lord had said, *In Isaac shall thy Seed be called*, &c.) yet he certainly trusted, that his Son was to live; *therfore Faith wrought with his Works, and it was imputed to him for Righteousness, and he was called a Friend of God.* *Jacob* vow'd a Vow, and he paid it. Remember [b] *Manos*, what he did with his Daughter, and his Memory shall be everlasting. *David*, when he paid his Vow, charg'd us saying, *Psal.* lxxvi. 11. *Solomon* also says, *Eccl.* v. 4, 5. We therfore beseech you, that every one call to mind what he has vow'd, in Prosperity or Adversity, lest being again involv'd in Difficulties, you deserve

[b] I suppose he means, *Jephthae*, *Judg.* xi.

deſerve to have it ſaid, [c] *He hath failed in what he promis'd long ago. According to your hardneſs, and impenitent Heart, you treaſur'd up Wrath,* &c. *Rom.* ii. 5. *therefore I will laugh at your Deſtruction, and mock,* &c. *Pr.* i. 26. We can give or promiſe nothing to God, but what he firſt gave us: Therfore the Prophet being touch'd with this ſays, *Pſ.* cxvi. 12. *What ſhall I repay to the Lord, for all that he hath given to me?* &c. If any one have Vow'd, and delay'd to pay it, we are afraid that he will not eſcape without Vengeance, as it is ſaid, *it is a fearful thing to fall into the Hands of the living God.*

[c] This ſeems to be cited as Scripture, yet I find nothing like it there.

19. That every faithful Chriſtian take Example by Catholic Men: And if any Pagan Rite remain, let it be pluck'd up, deſpiſed, and rejected. For God created Man comely and ſightly, but Pagans, by the Inſtinct of the Devil, ſacrifice themſelves, as *Prudentius* ſays,

[d] *Tinxit & innocuum maculis ſordentibus humor.*

He ſeems to do an Injury to the Lord, who defiles and depraves his Workmanſhip. If any one ſhould undergo this Blood-letting, for the ſake of God, he would on that account receive great Reward; but whoever does it out of Heatheniſh Superſtition, does no more advance his Salvation thereby, than the Jews do, by bodily Circumciſion, without ſincere Faith.

[d] I have not *Prudentius* by me; but have ventur'd thus to correct the Printed Copy of this Council, which has it thus,

Tinxit & innocuam maculis Sordentibus humum.

Ye

Ye wear Garments like those of the Gentiles [e], whom your Fathers, by the Help of God, drave out of the World by Arms; a wonderful stupid Thing! to imitate the Example of them whose Manners ye hate.

[e] Are the *Britons* here called Heathens?

Ye also, by a filthy Custom, maim your Horses, ye slit their Nostrils, fasten their Ears together, make them deaf, cut off their Tails, and render your selves hateful, in not keeping them sound, when ye may.

We have heard also, that when you have any Controversy between your selves, ye use Sorcery, after the Manner of the Gentiles, which is accounted Sacrilege in these Times.

Many of you eat Horse-flesh, which is done by none of the [f] *Eastern* Christians; take heed of this too. Endeavour that all your Doings be honest, and done in the Lord.

[f] See *Can.* 4.

20. We have directed all in general to act according to the Prophetic Voice, which says, *Make no tarrying to turn unto the Lord, and put not off from Day to Day*, Ecclus. v. 7. And again, *Turn to the Lord with all your Heart, with fasting, weeping, and mourning*, Joel ii. 12. And, according to the Apostle, *Confess your Sins one to another, and pray one for another, that ye may be saved*, Jam. v. 16. lest Death should find any of you unprepared; which God forbid. And receive the Eucharist, according to the Judgment of the Priests; and [do Penance according to] the Degree of the Guilt, and bring forth Fruits worthy of Repentance. For a fruitful Repentance consists in bewailing Misdeeds, and not committing them again.

But

But if any Man die without Repentance, and Confeſſion, (which God forbid) Prayers muſt not be made for him: For none of us is without Sin, [g] *not an Infant, born but a Day ſince.* As the Apoſtle ſays, *If we ſay we have no Sin,* &c. therfore ſince Death lingers not, repent, and be converted, that your Sins may be blotted out, and that ye may deſerve, together with the Holy Angels, to enjoy that Life that is without end, thro' him who liveth and reigneth, for ever and ever.

[g] The LXX Tranſlators have turn'd *Job* xiii. 4, 5. to this Senſe: Many of the Ancients take it ſo from them, and *Clement* of *Rome* is the firſt of theſe.

The Legate proceeds in his Letter to the Pope.

We propos'd theſe Decrees, Moſt Bleſſed Pope *Adrian,* in a publick Council before *Alfwald* the King, and *Eanbald* the Archbiſhop, and all the Biſhops, and Abbots of the Country, and the Senators, and Dukes, and People of the Land: And they, as we before ſaid, vow'd, with all Devotion of Mind, that they would keep them to the utmoſt of their Power, by the Help of the Supernal Mercy. And they [h] confirm'd their Vows with the Sign of the Croſs, [which we held] in our Hands in your ſtead: As afterwards alſo they did

[h] The Meaning of this is, That they ſwore to obſerve them: For one of the moſt ſolemn Forms of making Oath, in this Age, was by laying Hands on a Croſs, holden in the Hand of a Biſhop, or other Prelate. If the Croſs were conſecrated, the Oath was eſteem'd the more ſolemn. But laying the Hand on the Biſhop's Hand (without any Croſs) was thought more ſolemn than ſwearing by an unconſecrated Croſs, not holden by a Biſhop.

did carefully, with a [i] Style, put the Sign of the Croſs to this written Paper.

I *Alfwald*, King of the Nation beyond *Humber*, conſent, and ſubſcribe with the Sign of the Croſs.

[k] I *Dilberch*, [Margin *Tilhere*] Præſul of *Autun*, have gladly ſubſcrib'd with the Sign of the Croſs.

I *Eanbald*, by the Grace of God, Archbiſhop of the Holy Church of *York*, have, with the Sign of the Croſs, ſubſcrib'd to the pious Catholic [l] Taxation of this Paper.

[i] A Pen made of ſome Metal.

[k] What a Biſhop of *Autun* ſhould do in *Northumberland*, it is not eaſy to ſay, unleſs *Charles* the Emperor ſent him, as he did, *Wighod*, with the Legates.

But no Regard is to be had to theſe Subſcriptions. The few Names that are genuine, are yet ſo ſpelt, that the Men, if they were now alive, wou'd ſcarce own them.

[l] *Taxation*, in the Language of this Age, ſignified, any Cenſure, Admonition, or Reproof. See *Spelman's Gloſſary*.

Then Hygwald, *Biſhop of* Lindisfarn, Edilbert (*Margin* Ethelbert) *of* Hwytern, and two more Biſhops, probably *Scots, ſubſcribe*. *As alſo* Goſigha, *who writes himſelf* Patricius. *Then follows*,

We alſo, the Prieſts and Deacons of Churches, and Abbots of Monaſteries, Judges, Grandees, and Noblemen, ſubſcrib'd, and conſented unanimouſly, in Deed and Word. (*Laſtly, Ther are the Names of two Dukes, two Abbots; then the Legate proceeds.*

After this was finiſhed, and we had given our Bleſſing, we departed, taking with us the Legates of the King, and Archbiſhop, that is, *Malwyn* and *Pyttel*, Readers, Men of Note, who carried the

Decrees with them, to the Council of the *Mercians*, where the Glorious King *Offa*, with the Counsellors of the Land, together with *Janbyrht*, the Archbishop of the Holy Church of *Canterbury*, and the rest of the Bishops of the Country, were assembled. The *Capitula* were both read, one by one, with a clear Voice, in the Presence of the Council, in Latin, and explain'd in the *Teutonic* Tongue, that all might understand them: They all, with unanimous Heart and Voice, thanking their Apostleship, promis'd to obey their Admonitions, [and] by the Divine Assistance, to the best of their Power, chearfully to keep the Statutes. And farther, according to the abovewritten Taxation, as well the King, as Great Men, [and] Archbishop, with his Attendants, confirm'd [their Promise on] the Sign of the Holy Cross, [which we held] in our Hands, in your Lordship's Stead; and afterwards they confirm'd this present Paper with the Holy Sign.

I *Janbyrht*, Archbishop of the Holy Church of *Canterbury*, have devoutly subscrib'd with the Sign of the Holy Cross.

I *Offa*, King of the *Mercians*, consenting to these Statutes, have readily subscrib'd with the Sign of the Cross.

I *Higibert*, Bishop of the Church of *Lichfield*, have subscrib'd with the Sign of the Holy Cross.

Eleven other Bishops subscribe, four Abbots, two Dukes, one Earl. This is call'd, a Contentious Synod, *by the* Saxon Chronicle, *and it is commonly said, that* Janbyrht, *Archbishop of* Canterbury, *did here resign seven Dioceses of his Province*, viz. Lichfield, Worcester, Leicester, Sidnacester, Hereforld, Helmam,

Helmam, *and* Thetford, *to be made a Province to the Archbiſhop of* Lichfield, *which City King* Offa *reſolv'd to make an Archbiſhoprick, in Memory of a ſignal Victory, won by him near to this Place; tho' it is ſaid too that he charg'd* Janbyrht *with having invited* Charles *the Emperor to make a Deſcent on* England, *promiſing him all poſſible Aſſiſtance in* Kent. *But it is certain, that* Offa *was now in League with the Emperor. However, it is evident, that ther is nothing in the Narrative of the Legates, relating to this Matter.* Janbyrht *was ſo far from receiving any Diminution of Authority, in this Council, that he ſubſcribed before the King himſelf, and* Higibert *after both, ſtyling himſelf barely,* Biſhop of Lichfield, *if any Credit could be given to the Subſcriptions in Sir* H. S. *Yet it is certain in Fact, that* Janbyrht *was, by* Offa, *depriv'd of the Dioceſes abovementioned, and had none but* London, Wincheſter, Sherburn, Rocheſter, *and* Seolſey, *left to his Province; and that his Lands in the Kingdom of* Mercia *were ſeiz'd by the King: It is poſſible that this Project was ſtarted in this Council, between the King and* Engliſh *Biſhops, either before the Legates entered, or rather, after they had left it. The Legates, probably, having no Commiſſion to hear this Matter, refus'd to meddle with it. However it were,* Offa *certainly carried his Cauſe at* Rome, *and that by dint of Money, as the Writer of his Life freely confeſſes. And it is not to be wondred, that a King ſo addicted to the Pope, ſhould prevail againſt the Archbiſhop, in this or any other Point: For he granted to the Pope, a Peny, by the Year, from every Fire-hearth in his Kingdom; as* Ine *is ſaid to have done about ſixty Years before, for the Kingdom of the* Weſt-Saxons. *And it is obſervable, that no Kings have treated their Biſhops and Clergy more harſhly, than they who have expreſs'd the greateſt Devotion to the See of* Rome. *And the Occaſion of granting the* Peter-pence *is reputed by* Polydore Virgil, *to be this, that he had*

some Time before barbarously murdered Ethelbert, *King of the* East-Angles, *and to lighten his Penance, gave this Tribute to the Pope, or rather to the* English *School at* Rome: *For this seems to have been* Offa's *Intention, tho' the* Romanists *wou'd have it thought, that by this Grant he and his Successors became Tributaries to the Pope. Yet* Higibert *could not procure a Confirmation of his Metropolitical Authority; but his Successor* Aldulf *did. And tho'* Janbyrht *is said to have resign'd six of his Dioceses; yet I think it is allow'd, that he did all he could to recover them. And King* Offa, *and Pope* Adrian *dying in the same Year, viz.* 794, *his Successor* Athelard *did effectually procure a Restitution of King* Kenulf, *and Pope* Leo III. *with in a few Years, as appears by what follows.*

A. D. DCCXCVI.

Athelard's Confirmation of Privileges.

PREFACE.

Athelard *had now, for several Years been Archbishop of* Canterbury, *but it was not to be expected that he should recover the Sees, which King* Offa *and Pope* Adrian *had lop'd off from his Province, so long as they lived: They both died in the Year* 794. *But the Wars between the Kingdoms of* Mercia *and* Kent, *which soon followed, were an Obstruction to the Reunion of the Province, when* Kenulf *had obtain'd the Sovereignty of* Kent, *by taking* Pren *Prisoner, both he and* Athelard *wrote to the new Pope* Leo III. *upon this*

this Affair: Yet it appears by the Pope's Answer, that the King was inclin'd to make London *the Metropolis; but the Pope declares for* Canterbury: *This Letter was, I suppose, written at the beginning of this Year* 796, *and it is probable, that at the same time he sent a Letter to the Archbishop, intimating the same Resolution, and containing also his Directions for calling a Council, and passing such a Decree as here follows. It shou'd appear, that* Adulf *of* Lichfield *found the King, and* Athelard, *so firm in their Resolutions, and so successful in their Negotiations with the Pope, that he made no Opposition: For he saw himself under a Necessity of Submission, and therfore attended* Athelard *in his Council at* Becanceld, *and subscribed the Decree proposed there by the Pope's Command; for without him, twelve Bishops were not to be had in this Province.*

But tho' the Pope had declared for restoring the dismembred Dioceses to the Archbishop of Canterbury, *yet it was three Years before this was done in Form.* Athelard *must pay his Attendance on the Pope at* Rome, *and his Fees to the Old Gentleman and his Courtiers, before the Business could be accomplish'd: And it is not improbable, that the Pope deferr'd the final Dispatch of this Affair, till the Arrearage of his Annuity of* 365 *Marks, which King* Offa *had promised from himself, and his Heirs, was fully discharged: For he reminds King* Kenulf *of this Debt, in his Letter beforehinted,* (Aug. Sac. Tom. 1. pag. 460.) *And though this was not brought to Perfection till the Year* 799, *yet it was look'd upon to be as sure, as if it had actually been done, from the Time of the Pope's Answer to the King's first Letter. Not only the Bishop of* Lichfield, *obey'd* Athelard's *Summons to* Becanceld; *but the new Archbishop of* York *made Profession of Obedience to him: And this must have been this same Year, for ther was no other Succession in the See of* York, *while* Athelard *was Archbishop of* Canterbury, *but*

that only in the Year 796. See the Profession Angl. Sac. Tom. 1. pag. 78. *and the Succession,* Sax. Chron. 796. *Sir* H. S.*'s Copy of this Council is certainly spurious: For it makes seventeen Bishops Subscribers; and ther were not so many now in* England. *But he observes, that the Place of the Council in one MS. is written* Bacanchilde; *which brings it nearer to the present* Bapchild.

A. D. DCCXCVI.

[Sax. Sax. Chron. pag. 67.

Athelard, Archbishop of *Canterbury,* caused a Synod to sit, and [a] verified and confirm'd, by Command of Pope *Leo,* whatever had been constituted in the Days of [b] *Wihtred,* or of other Kings, in Behalf of God's Minsters; and thus he pronounced:

[a] I read, ȝetrioprioð.

[b] *Sax.* Vihtȝaner, by Mistake, I suppose.

I *Athelard,* the humble Archbishop of *Canterbury,* with the unanimous Advice of the whole Synod, and of all the Congregations of all the Minsters, that have had Liberties granted them by faithful Men in ancient Times, do command, in God's Name, and by his tremendous Judgment, as I am enjoined to do by Pope *Leo,* That from henceforth none of the [c] Laity do presumptuously choose to themselves Lords over God's Heritage; but that all Things belonging to God's Holy Minsters, do remain

[c] This, perhaps, may imply a Condemnation of King *Offa,* for erecting a new Archbishoprick, but it is no direct Condemnation of *Aldulf.* I am inclined to think, that one Point here aimed at, was to deprive Laymen of the Power they had, in making themselves or others, that were not in Orders, Governours of Religious Houses. This formerly was a Practice very rife in *England,* but I do not remember any Mention of it after this.

remain inviolate, without Contradiction, according to what is contained in the Charter granted by the Pope, or ordained by the Holy Men that were our Fathers and Teachers. If ther be any Man who refuseth to keep this Commandment of God, and of our Pope, and of us, and despises, and sets it at nought; let them know, that they shall give Account thereof before God's Judgment-Seat. And I *Athelard*, with twelve Bishops, and twenty-three Abbots, do establish, and confirm the same, with the Sign of Christ's Cross.

A. D. DCCCIII.

The final Settlement of the Primacy at *Canterbury*.

PREFACE.

HE *that considers human Nature, will not wonder, that tho'* Aldulf *of* Lichfield, *seeing the Stream of Authority, both Ecclesiastical and Civil, run so strong against him, ceased to act as a Metropolitan, nay, behav'd himself as a mere Suffragan to* Canterbury, *yet could not be brought, in less than seven Years Time, utterly and expresly to cancel and annul his Pretensions to Primacy.* Alcuin *had desired* Athelard *to connive at* Aldulf's *exercising his Primacy, during Life; but* Athelard *did not accept this Advice; but desired to see a Reunion of his own Province fully settled; and by the Year* 803, *had worked* Aldulf *into a Compliance; and therfore was willing to meet him half way, at* Cloves-hoo, *now* Abbindon, *in order*

to clinch the Reunion in a Provincial Council. They who suppose Clift, *in the Hundred of* Hoo, *and Diocese of* Rochester, *to have been the Place of Congress, must allow that this was a very hard Penance injoin'd by the Archbishop, not only to his old Rival* Aldulf, *but to all the Comprovincials; for ther is not a more unhealthy Spot in the whole Province, I may say, in all* Christendom; *especially in the* Autumnal *Season; (and both Copies agree, that this Synod was held in* October.) *And it was* Athelard's *Part, to take all Measures that were obliging, both to* Aldulf, *and the rest of his Brethren.*

I always suspected the Copy of this Council of Cloves-hoo, *as publish'd by* Spelman, *to be spurious; not only because* Wermund *of* Rochester, *who died the Year before the Date of it, is made a Subscriber, and because what was done seven Years before at* Becanceld, *is represented as done here again at* Cloves-hoo; *but because I could find no Reason, from the Acts of this Council, as printed in* Vol. 1. p. 324. *of* Spelm. *why the final Settlement of the Primacy at* Canterbury, *to which the Pope had given Consent seven Years before, shou'd be deferr'd till the Year* 803; *therfore I had omitted it in my Collection. But a Learned Gentleman who knew something of the Design I had in hand, sent me a Copy of this Council, as he accidentally found it in the* Cott. *Library, which answers all these Objections. For the Name of* Wermund *is not among the Subscriptions, nor the Decree at* Becanceld *in the Acts: And it contains a direct and absolute Abolition, and Annihilation of the Primacy assum'd by* Aldulf *at* Lichfield, *and so affords us a sufficient Reason, why the final Settlement of this Affair was so long deferr'd, viz. Because it was so hard to bring* Aldulf *to a Renunciation of the Privileges of his See, granted by the former King, and Pope. It may seem strange that twelve Bishops shou'd be mention'd in the Body of the Council, and yet but eleven Names of Bishops shou'd*

actually

actually be subscribed; but this Difficulty will vanish, upon this rational Supposition, viz. *That this Copy was taken upon the Spot by* Beornmod, *now Bishop of* Rochester, *who thought it needless to subscribe his own Name to a Paper taken for the Information of his own private Memory. It wou'd be no great Difficulty to account for the Confusion made by the Monk, from whose Copy Sir* H. S. *publish'd his Edition of this Council. I think it sufficient to have shewed the Reasons why that seems not genuine, and why this does. And it is some Satisfaction to me, that I can gratify my Reader with so considerable a Monument of Antiquity, as this, by which the Primacy of the whole Province was finally fix'd at* Canterbury.

A. D. DCCCIII.

GLory to God on high, Peace on Earth to Men of good Will. ¶ We know (what is notorious, but what seems not at all pleasing to many who dwell in the Nation of the *English*, that faithfully trust in God) that *Offa*, King of the *Mercians*, in the Days of *Janbert*, Archbishop, presumed, by very indirect Practises, to divide, and cut in sunder the Honour and Unity of the See of our Father St. *Augustin*, in the City of *Canterbury*, and how after the Death of the said Pontiff, Archbishop *Athelard* his Successor, by the Gift of Divine Grace, after several Years, hapned to visit the Apostolical Thresholds, and *Leo* the Blessed Pope of the Apostolical See, in Behalf of many Rights belonging to the Churches of God. He, among other necessary Negotiations, did also declare, that the Partition of the Archiepiscopal See had been unjustly made: And the Apostolical Pope, so soon as he heard and understood that it was unjustly done, presently ordered an authoritative Precept of Privilege, as from himself, and sent it into *Britain*, and charged, that

Lat. Cot. *MS.* *Aug.* 11. 56. *Sir* H. S. Vol. 1. p. 324.

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an entire Reſtitution of Honour ſhou'd be made to the See of St. *Auguſtin*, with all the Pariſhes belonging to it, according as St. *Gregory* the Apoſtle, and Maſter of our Nation ſettled it, and that it ſhou'd in all Reſpects be reſtored to the Honourable Archbiſhop *Athelard*, when he return'd into his Country. And *Kenulf* the pious King of the *Mercians*, brought it to paſs.

1. And in the Year of our Lord's Incarnation 803, Indiction the eleventh, on 4 *Id.* of *October*, I *Athelard*, Archbiſhop, with all the twelve Biſhops ſubject to the Holy See of the Bleſſed *Auguſtin*, in a Synod which was held by the Apoſtolical Precepts of the Lord Pope *Leo*, in a famous Place, called *Cloves-hoo*, with the unanimous Conſent of the whole Sacred Synod, in the Name of Almighty God, and of all his Saints, and by his tremendous Judgment, we charge, that neither Kings, nor Biſhops, nor Princes, nor any Men who abuſe their Power, do ever preſume to diminiſh, or divide, as to the leaſt Particle, the Honour of St. *Auguſtin*, and of his Holy See: But that it always remain moſt fully, in all Reſpects, in the ſame honourable State of Dignity as it now is, by the Conſtitution of the Bleſſed *Gregory*, and by the Privileges of his Apoſtolical Succeſſors, and as appears to be right by the Sanctions of the Holy Canons.

2. And now, by the help of God, and of the Apoſtolical Lord Pope *Leo*, I *Athelard*, Archbiſhop, and other our Fellow-Biſhops, and all the Dignitaries of our Synod with us, do unanimouſly confirm the Primacy of the Holy See, with the Standard of the Croſs of Chriſt. And we give this in Charge, and ſign it with the Sign of the Croſs, That the See Archiepiſcopal, from this Time forward, never be in the Monaſtery of *Lichfield*, nor in any other Place but the City of *Canterbury*, where Chriſt's Church is, and where the Catholic Faith

first shone forth in this Island, and where Holy Baptism [was] first celebrated by St. *Augustin.* Further also, we do, by Consent and License of our Apostolical Lord Pope *Leo*, [a] forbid the Charter sent from the See of *Rome* by Pope *Adrian*, and the Pall, and the See Archiepiscopal in the Monastery of *Lichfield*, to be of any Validity, because gotten by Surreption, and unsincere Suggestions. Therfore we ordain, by Canonical and Apostolical Monuments, with the manifest Signs of the Celestial King, that the Primacy of the Monarchy do remain where the Holy Gospel of Christ was first preach'd by the Holy Father *Augustin*, in the Province of the *English*, and was from thence, by the Grace of the Holy Spirit, widely diffus'd.

But if any dare to rent Christ's Garment, and to divide the Unity of the Holy Church of God, contrary to the Apostolical Precept, and all ours, let him know, that he is eternally damn'd, unless he make due Satisfaction for what he has wickedly done, contrary to the Canons.

[a] Lat. *Præscribimus non aliquid valere.* If the Verb will not bear this Version, then *non* must be added.

These are the Names of the Holy Bishops and Abbots, who confirmed the abovewritten Charter, in Hand-writing, at the Synod which was at *Cloves-hoo*, with the Sign of the Cross, in the Year of our Lord's Advent, 803.

N. B. *The Names here, stand as in the* Cott. *MS. The Number next following each Name, shews the Order in which it stands in the Copy of Sir* H. S. *Where ther is any considerable Variation in the Spelling, the Name according to Sir* H. S.*'s Spelling, is added immediately after the Number; and after that the See to which*

A. D. DCCCXVI.

WULFRED'S Canons at *Cealc-hythe.*

Lat. Sir H. S. Vol. 1. p. 327.

IN the Reign and Government of our Lord Jesus Christ, who disposes of the World in Equity, whose Power penetrates through Heaven and Earth, and every Creature, and who does, and determines every Thing, above and below, at the Command of his Father, and by the Grace of the Holy Spirit, and in the Year of our Lord's Incarnation 816, the ninth of the Indiction, by the Lord's Permission, this Synod was assembled on the sixth Day before the Kal. of *August*, at a famous Place, call'd, *Celi chyth*, *Wulfred* the Archbishop presiding, and the other *Southern* Bishops of the *English*, sitting by; that is, *Beornmod* of the Church of *Rochester*, *Ethelwalf* of *Selesege*, *Wighigh*, and *Wigbert* of the *West-Saxons*, *Dinbert* of the *Wiccians*, also *Wulfherd* the Prelate of *Hereford*, together with *Heremmius* and *Rathumus*, the Most Reverend Bishops of the *Mercians*; and moreover *Eadulph* of *Lindisfarn*, and the Honourable Bishops of the *East-Angles*, *Sibbane* and *Tidfrith*, and *Ethelnoth* Bishop of the City of *London:* Farther, it was in the 20th Year of *Kenulf*, King of the *Mercians*, who was then present with his Princes, Dukes, and Grandees; while the Presidents of the sacred Order [were] treating with the Abbots, Priests, and Deacons, concerning what was necessary, and useful for the Churches.

1. We

1. We expounded the Catholic Faith, and the Orthodox Christian Rule, and the Canonical Precepts, which as we have been taught, were ordain'd by the Holy Fathers. We declare our selves willing to keep them all diligently inviolate, uncorrupted; and to teach, instruct, and confirm others in the same, that by this Means we may deserve Forgiveness of our Sins.

2. When a Church is built, let it be Consecrated by the Bishop of its own Diocese; let the Water be bless'd, and sprinkled by himself; and [all things] be thus accomplish'd in Order, according to the Ministerial Book; afterwards let the [a] Eucharist Consecrated by the Bishop in the same Ministration, be laid up in the same Repository, with the other Relicks in the [b] Royal House; and if he can find no other Relicks, this may serve as well, because it is the Body and Blood of our Lord Jesus Christ. And we charge every Bishop, that he have it written on the Walls of the Oratory, or in a Table, as also on the Altars, to what Saints both of them are dedicated.

[a] Here the Eucharistical Symbols are set on a Level with the Relicks of Saints, and scarce that neither. For if Relicks cou'd be found, they were necessary for the Consecration of a Church; and they that could not find them, cou'd make them.

[b] Lat. *Basilica* Church.

3. That a settled Unity, and devout inward Peace and Charity, remain amongst us; that all have but one Will, in Deed, and Word, and Judgment, without Flattery or Dispute, because we are Fellow-servants in one Ministry, Fellow-workers in one Building, Members of one Body, of which Christ is Head; therfore it becomes us, as we are join'd together in one Spirit, by Faith, and Love, to keep our Words and Actions free from Dissimulation,

lation, in the Fear and Love of God Almighty, and diligently to pray for each other, that by this means we may deserve to receive a Crown, which God hath promis'd to them that love him.

4. That every Bishop have Power of electing the Abbots and Abbesses in his own Diocese; with the Consent and Advice of the Family; and let diligent Enquiry be made by all, that the Innocency of such an one [as is to be chosen] be freed from all Imputation of Capital Crimes; that is, that he be not defiled with Homicide, or begetting Children, or with grievous publick Theft; but that he have led his Life regularly, and within the Cloisters of a Monastery. [Let him be] prudent, and acute in Speech, lest the Flock committed to him [suffer] for his [c] Folly and Silence: And let the Bishop look to it, lest he be chosen out of Favour, or Affection, or for a Sum of Money, or out of greater Respect to Kindred than ought to be; [d] nor [let it be done] at all, without the Consent of the Family, nor let the Family [do it] without Consent of the Bishop; but let them set about it conjointly and orderly, in all Respects.

[c] I read, *Insipientiam*, not *Instantiam*.
[d] For *hæc*, I read, *nec*; and presently after, for *Increpare*, I read, *Inceptare*.

5. That none of *Scottish* Extract be permitted to usurp to himself the sacred Ministry in any one's Diocese; [e] nor let it be allow'd such an one to touch

[e] The Latin here is very odd, *Neq; ei consentire liceat ex sacro codice aliquod attingere, vel ab iis accipere in Baptismo, aut in Celebratione Missarum, vel etiam Eucharistiam populo præbere.* I translate almost according to the Letter; and suppose that *Scots* are forbidden to attend the Priest that celebrates, or to do any thing that belong'd to those in the inferior Orders, in the Administration of these Sacraments.

touch any thing which belongs to those of the Holy Order, nor to receive any thing from them in Baptism, or in the Celebration of the Mass, or that they administer the Eucharist to the People; because we are not certain, how, or by whom, they were Ordained. We know how 'tis enjoin'd in the Canons, That no Bishop, or Presbyter invade the Parish of another, without the Bishop's Consent: So much the rather should we refuse to receive the sacred Ministrations from other Nations, where ther is no such [f] Order as that of Metropolitans, nor any Regard paid to other [Orders].

[f] Lat. *Nullus ordo Metropolitanis*, I read, *Metropolitanus*. It is well known, ther was no Metropolitan in *Scotland*, till after the middle of the 15th Century, when St. *Andrew*'s was created into an Archbishoprick. Nay, their Bishops had no distinct Dioceses, before the middle of the 11th Century.

6. That the Judgments of Bishops, which have been confirm'd by us, or our Predecessors, by a Synodical Decree, be not infring'd, but remain firm, and irrefragable. And in all Cases, whatever has been corroborated with the Sign of the Cross, we charge that it remain in full Force. And if peradventure any King, or Prince, account the Handwriting of his Ancestors as nothing, and stick not to alter or cancel it; may he and his Heirs be paid in their own Coin, as it is written, *with what Judgment ye judge, ye shall be judged.* If any one be summon'd to Synod by his Plaintiffs, and do not delay to meet them, at the first, second, or third Call, being ready to give an Account [of himself,] but the Plaintiff flinches, and delays to open his Cause, we will give Sentence, that nothing farther be demanded, but let him be content with his own.

7. That it be not lawful for Biſhops, nor Abbots, nor Abbeſſes, (who receive the Government and Territories of Monaſteries, to be preſerv'd by them,) to diminiſh the Eſtates of their Churches, nor to grant away the Inheritance of them, for any longer Time than for one Man's Life; (and this with the Conſent and Licenſe of the Family;) that it may again be reſtored to the Church. And notwithſtanding [the Demiſe] let the Original Grants, with the other written Evidences, be preſerved, leſt they endeavour afterwards to raiſe ſcrupulous Contradictions; for it is very dangerous, for thoſe who are appointed to be Guardians, and Defenſors of Convents, to give, or take away, what is granted by others, for the Health of their Souls to God, and the reſt of the Holy Ones, as their proper Inheritance; unleſs a juſt Cauſe require it, as Relief againſt Famine, or againſt the Depredations of the [g] Army, or for obtaining Liberty. Otherwiſe let [the Eſtate] be kept entirely undiminiſh'd, leſt [the Monks] run the Riſque of periſhing by Poverty. Let every one rather be content with his own; and give that to thoſe who are, or who are not akin to them, according to their Merits.

[g] The *Army*, in the Writers of this Age, commonly ſignifies the *Daniſh* Forces; which firſt infeſted our Coaſts, *A. D.* 787. A Council was called, to put a ſtop to this, at *Finchall* in the Biſhoprick of *Durham*, 788. and in *A. D.* 783, another at *London*.

8. Let the Monaſteries which have been once dedicated with the Advice of the Biſhop, and in which the Regular Life is ſettled, and an Abbot, or Abbeſs bleſs'd by the Biſhop, remain ſo for ever, as alſo the Things which belong to it; unleſs they cannot continue inviolate, by reaſon of Poverty,

verty, thro' the Rapacity of Seculars [h] —— that the Bishop, with his Authority, do rather defend the Flock of Christ, than let them be swallow'd as a Prey, by the Jaws of Wolves. And we charge this to be done for the great Necessity of the Family —— where the Regular Life is, upon Examination, found to have been first settled —— The Election of Abbots, and Abbesses, and the Consecration of them by the — of the Bishops —— and that they be not henceforth, in any Respect, made the Property or Habitation of Seculars. Let no one think this Point now newly ordained by us. Let none think it a Trouble to find it in the Synod of [i] *Calcedon*, if he desire it: Therfore by our Authority we confirm it: And in the Name of Almighty God, we charge it to be observ'd, as we find it ordain'd in ancient Canons, and as we have learn'd it to be injoin'd by Apostolical

[h] The following Clauses of the Text being very much corrupted, I cannot entirely enter into the Sense, much less into the Coherence of them: Therfore I translate so much only, as seems to me intelligible; and put the Latin here in the Margin: *Indicabimus Episcopo cum sua Autoritate magis licuisse ovile Christi defendere, quam luporum faucibus in prædam dimittere. Et hoc fieri præcipimus pro magna necessitate familiæ, ne ex cupiditate avaritiæ causa intelligatur. Ac etiam ubi investigatur primitus constituta Regularis vita, & in ea Electione Abbatum, vel Abbatissarum, & eorum Consecratio à suorum Episcoporum, nec ultra ullatenus fieri Dominium, nec habitatio Secularium.*

I am inclined to think, that it may fairly be concluded, that Monasteries formerly possess'd by Laymen, or, at least, govern'd by them, were now wholly resigned to Religious Men: And that this is fully intimated in the last Clause, and by what follows.

[i] See *Canon* 16, 23. *Calc.* in the Second Part of the *Vade-mecum*. The printed Word is, *Calcidanesse*; but Sir *H. S.* hath justly observed, that the Synod of *Calcedon* is here meant.

lical Men, in the beginning of the Primitive Church. But if any Prieſt, Deacon, Clerk, or Handmaid of the Lord, dare deſpiſe this our Mandate, or the Inſtitutions of Apoſtolical Men, and to ſet them at nought; let them know, that they are depoſed from their Degree, and ſequeſtred from all Participation with the Church of God, and anathematiz'd from the Communion of all the Elect; and that they are to render an Account at the Day of Judgment, before the Tribunal of our Lord Jeſus Chriſt, unleſs they will firſt make amends, by humble Satisfaction.

9. We enacted in this Synod aforeſaid, That every Biſhop ought to ſet down the Judgment decreed in every Synod, or that concerns his Pariſh. We alſo ordain, that he do diſcreetly, and according to Order, ſet down what Year of the Lord it is, according to Computation, and by what Archbiſhop, and other Biſhops ſitting with him, the Judgment was deviſed and confirmed; leſt any Man in his Pariſh, whoſe Cauſe has been rightly adjudged, do by falſe Fictions, and wicked Fraud decline the Sentence; but that it may alway remain firm and immoveable by the Evidence of your Archbiſhop, and the Biſhop, of whoſe Dioceſe he is; who is to take one Copy of it to carry to his See, and he who is concern'd in the Sentence, another; that no Tricks of Iniquity may be made uſe of.

10. And we firmly ordain it, to be obſerv'd in our Times, as well as thoſe of our Succeſſors, who may in any future Times be ordain'd in the Sees, in which we now are; that when any Biſhop paſſes out of the World, then, according to our Precept, a tenth part of his Subſtance be given for his Soul's ſake, in Alms to the Poor; of his Cattle, and Herds, of his Sheep, and Swine, and alſo of his Proviſions within Door, and that every *Engliſh* Man

Man [of his] who has been made a Slave in his Days, be set at Liberty, that by this means he may deserve to receive the Fruit of Retribution for his Labours, and also Forgiveness of Sins. Nor let any Person oppose this Point, but rather let Addition be made to it by Successors, as it ought; and let the Memory of such an one be always kept and honour'd, in all Churches, subject to our Jurisdiction, with Divine Praises. [As soon as a Bishop is dead] let Prayers, and Alms forthwith [be offered] according to what is agreed among us, *viz.* That at the sounding of the [a] Signal in every Church, throughout our Parishes, every Congregation of the Servants of God, meet at the Royal House, and there sing 30 Psalms together, for the Soul of the deceased; afterwards let every Prelate and Abbot sing 600 Psalms, and cause 120 Masses to be celebrated, and set at Liberty three Slaves, and give three Shillings to every one of them, and let all the Servants of God fast one Day: And for 30 Days, when the Canonical Hours are finish'd in the Assembly, let seven [b] Belts of *Pater-Nosters*

[a] I think it is allow'd, that Bells were used in *England* a pretty while before this; but it is not certain, that they were universally in all Churches, as at present. This is no Proof of the Use of them; for the Latin Word here used, is *Signum*, which may signify no more than a Board, or Iron Plate with Holes, to be knock'd with a Hammer, which is retained still among the *Greeks*.

[b] *VII Beltidum Pater Noster:* This seems to imply, that they had, in this Age, a certain Number of Studs fastned into their Belts, or Girdles, which were then us'd, as Strings of Beads now are, by the Papists, for the numbring of their Prayers: But with this Difference, that the Studs were all of one Size, and that every one of them stood for a *Pater Noster*; whereas the modern Fashion is, to have ten lesser Beads, which stand for *Ave Maries*, to one larger, which stands for a *Pater Noster*.

also, be sung for him: And when this is ended, let his *Obiit* be renew'd on the 30th Day, as the Apostles use to be on their Birth-day; and let them act with as much Fidelity in this Respect in all Churches, as they do by Custom for the [c] Faithful of their own Family, by praying [for them], that by the Favour of common Intercession, they may deserve to receive the Eternal Kingdom, which is common to all Saints.

[c] Lat. *Pro eorum Domestica fidei.*

11. That (as 'tis found in Old Times by Tradition from ancient Fathers) it be unlawful for any Bishop to invade the Parish of another, or to draw any Ministration to himself, which belongs to another, in the Consecration of Churches, or of Priests, or Deacons, excepting only the [d] Archbishop, because he is the Head of his own Bishops. But let others be content with their own, or [act] with the License and Consent of the Bishop, in whose Diocese they minister. If any one transgress in this Respect, let him make Satisfaction, according to the Judgment of the Archbishop, unless he be willing first to be reconciled to the proper Bishop of the Diocese.

[d] By this it should seem, that the Archbishop had not only a Visiting Authority over his Suffragans, in this Age, but likewise a concurrent Authority, to be exercis'd at Discretion; otherwise he could not have consecrated Churches, or ordain'd Clergymen, that were not of his Diocese.

And we give the same in Charge to Priests, that no one covet more Business than is allow'd him by his proper Bishop, excepting only in relation to Baptism, and the Sick: But we charge all Priests, that they deny no where to perform the Ministry of Baptism; and if any one do refuse it, through

Negligence,

Negligence, let him ceaſe from his Miniſtry, till the Time of Correction, and that he be reconciled to his Biſhop by humble Satisfaction. Let Prieſts be taught, when they miniſter Baptiſm, not to pour Water on the Heads of the Infants, but that they be immers'd in the Font; as the Son of God hath in his own Perſon given an Example to all the Faithful, when he was thrice immers'd in *Jordan*. In this Manner it ought to be obſerv'd.

Theſe Latin Councils at Cloves-hoo *and* Cealc-hythe, *are but ſad Proofs of the Want of Learning here in* England, *in theſe Ages: They have ſuffer'd much by the Ignorance and Negligence of Tranſcribers; but in ſuch Parts of them as are not liable to any Suſpicion of Miſreadings, the Style is barbarous, full of redundant, not to ſay inſignificant Words, with a ſtrange Neglect of the Rules of Syntax, and even of Concords. It would have been endleſs to have taken Notice of all theſe* Errata *in my Notes, or to obſerve every ſuperfluous Word, or Treſpaſs upon* Priſcian: *Nor ought any one to affect a fine Tranſlation of ſuch uncorrect Originals.*

I cannot but obſerve to my Reader, that we are inform'd of four Synods, in the four Years Reign of Beornulf, *King of the* Mercians. *Of two of theſe we have an Account from ancient MSS. In that held* A.D. 822, *or rather,* 823, Wulfred *complains of great Injuries done by* Kenulf *to him, and his See. For all which* Beornulf *and* Cendryth, *Son and Daughter to* Kenulf, *make Satisfaction. But it is complain'd of, among other Things, that not only Archbiſhop* Wulfred *was depriv'd of his original Authority, but that the whole Nation wanted the Miniſtration of Baptiſm for almoſt ſix Years together. I conceive ther is no Account of any Interdict ſo ancient as this, nor yet ſo ſevere: For Baptiſm is allow'd to Children, even when their Parents are under Interdict, by the Canon Law. Yet it*

should seem, that the Pope was the Author of this Interdict: Because it is said to have been done by means of the Accusations, *and Discords, which the King caused; and which were brought before the Apostolical See. But the Story is taken from an anonymous MS. Sir* H. S. p. 332. *And it is scarce to be supposed, that any but the Pope shou'd suspend or interdict the Archbishop.*

A. D. DCCCLXXVII.

King ALFRED'S Laws Ecclesiastical.

PREFACE.

COuncils of all sorts were rare in this Age, (but especially Synods for regulating and restoring the Discipline of the Church) by reason of the frequent Invasions of the Danes. *They first infested our Shores in the Year* DCCLXXXVII, *but grew more terrible still for almost an hundred Years together, by Intervals, and the Efforts made against them were but feeble, excepting these of the two most Religious Princes whom this Age produced; the first was* Ethelwolf, *who gave the tenth Part of his Lands to the Church: By this some understand the Tythe of all his Dominions; but I cannot believe that he wou'd give what he esteemed to be the Church's before, and that by a Divine Right; he was a Clergyman before he was a King, and we may be sure, that his Tutor, the famous* Swithun, *had sufficiently instructed him, that Tythes were not to be disposed of by Kings, but were the Grant of God to*

the Clergy, and we are sure they had been paid and received several Ages before, here in England: *To give the tenth part of his Land, when he had such urgent Occasions for Money to stop the Progress of the* Danes, *was a sufficient Testimony of his Piety: (I say nothing of his giving the* Peter-pence *of* Northumberland *to the Pope, for this was lavish Superstition,) but what some would have thought a weakning of his Power, prov'd an Increase of it: For he worsted the* Danes *in several Battles. Next to him King* Alfred *put a stop to the* Danish *Depredations, which yet they afterwards renew'd. They were for many Years so violent, that they did in effect extinguish not only Law but Religion, and reduc'd this Nation to so great a Degree of Ignorance, that King* Alfred *declares, when he came to the Throne, he knew not one on the* South *side of the* Trent, *that could construe Latin. But* Alfred *was a Prodigy of a Prince, who tho' he was of such a Martial Spirit, that he fought above fifty Battles with the* Danes, *by Land and Sea, yet found Time to spend in his Books, and became one of the greatest Scholars and Divines in the Kingdom.* Plegmund, *afterwards Archbishop of* Canterbury, Asserius, *Bishop of* Shirburn, *with* Grimbuld *and* John, *his Chaplains, taught him the Latin Tongue. And he says, with great Satisfaction, in his Preface to his Translation of* Gregory's Pastoral, *That he had now every where Learned Prelates.*

The following Laws could scarce be made before King Alfred's *first League with the* Danes, A. D. 876. *because till that Time he was wholly engaged in Wars, for the Defence of his Kingdom, and was sometimes reduced to great Streights, and must have been made before his other Laws upon* Godrun's *Baptism,* A. D. 878. *See* Sax. Chron. *King* Alfred's *Reign began* A. D. 871, *and ended* 900.

A. D. DCCCLXXVII.

Sax. *Sir* H. S. Vol. 1. p. 354.

THE Lord ſpake this Word to *Moſes*, and thus he ſaid, I am the Lord thy God, I led thee out of the Land of *Egypt*, and out of their Bondage.

1. Love thou not other ſtrange Gods beſide me.

2. Call not thou on my Name in vain: For thou art not guiltleſs before me, if thou calleſt on my Name in vain.

3. Remember, that thou hallow the Day of Reſt: Work thou ſix Days, and reſt thou on the ſeventh; thou and thy Son, and thy Daughter, thy Man-Servant, and thy Maid-Servant, and thy working Beaſt, and the Stranger that is within thy Gates, for in ſix Days Chriſt made the Heavens and the Earth, Seas, and all Creatures that are in them; and he reſted on the ſeventh Day, and therfore the Lord hallowed it.

4. Honour thy Father, and thy Mother, whom the Lord God hath given thee, that thou mayſt be long lived on the Earth.

5. Slay thou not.

6. Steal thou not.

7. Lie not down clandeſtinely.

8. Speak thou not falſe Witneſs againſt thy Neighbour.

9. Covet not unrighteouſly thy Neighbour's Poſſeſſions.

10. Make thou not Gods of Gold or of Silver.

11. Theſe are the Dooms which thou ſhalt appoint them, If thou buy a Chriſtian Servant, let him ſerve thee ſix Years, the ſeventh Year let him be free, without Pay: With ſuch Clothes as he came in, with ſuch let him go out, *and ſo on, as in the Latin Vulgar Tranſlation of* Exodus xxi. 1,—6.

only

only inſtead of, *his Maſter ſhall bring him to the Judges*, (*Diis* in the Latin) Alfred *ſays*, he ſhall bring him to the Door of the Temple, *ver. 6. and in the ſame Verſe, to* my Wife and Children, *he adds*, my Goods.

12. *Is* Exod. xxi. 7,—11. *omitting the firſt and laſt Clauſe of Verſe* 8. *the laſt Clauſe of the* 9*th*, *the firſt of the* 10*th Verſe, and three*, and without Money, *ver.* 11.

13. *Is* Exod. xxi. 12,—14.

14. *Is* Exod. xxi. 15.

15. *Is* Exod. xxi. 16, 17.

16. *Is* Exod. xxi. 18, 19.

17. *Is* Exod. xxi. 20, 21. *and adds*, if he die the firſt Day, then let Guilt reſt upon him.

18. *Is* Exod. xxi. 22, 23. *omitting*, as the Woman's Husband will lay upon him.

19. *Is* Exod. xxi. 24, 25.

20. *Is* Exod. xxi. 26.

21. *Is* Exod. xxi. 28,—32. *for* thirty Shekels, *King* Alfred *has*, thirty Shillings.

22. *Is* Exod. xxi. 33, 34.

23. *Is* Exod. xxi. 35, 36.

24. *Is* Exod. xxii. 1. *only inſtead of* five Oxen, *King* Alfred *ſays*, two Oxen, *and adds*, if he have none to give, let himſelf be ſold for that Price.

25. *Is* Exod. xxii. 2,—4.

26. *Is* Exod. xxii. 5. *but thus varied*, if one do any the leaſt Damage to the Vineyard or Field of another, let him make Satisfaction, according as Men ſhall value it. *I read*, ꝥa hıꝫ mon ȝeeahꝫıȝe,

27. *Is* Exod. xxii. 6. *abridged*.

28. *Is* Exod. xxii. 7,—12. *thus varied*, If one depoſit Goods with his Friend, and he himſelf make away with them, let him make twofold Satisfaction. If he knew not who ſtole it, let him purge himſelf, that he hath us'd no Deceit. If it were living Stock, and he ſay that the [*Daniſh*] Army took

took it, or that it died of it self, and he have Witness of it, then he ought not to make Satisfaction; if he have no Witness, and cannot prove it, let him take his Oath on't.

29. *Is* Exod. xxii. 16, 17.
30. *Is* Exod. xxii. 18. *paraphras'd.*
31. *Is* Exod. xxii. 19.
32. *Is* Exod. xxii. 20.
33. *Is* Exod. xxii. 21.
34. *Is* Exod. xxii. 22,—24.
35. *Is* Exod. xxii. 25.
36. *Is* Exod. xxii. 26, 27.
37. *Is* Exod. xxii. 28.
38. *Is* Exod. xxii. 29. *according to the Vulgar.*
39. *Is* Exod. xxii. 31. *omitting the first Clause.*
40. *Is* Exod. xxiii. 1.
41. *Is* Exod. xxiii. 2. } *Paraphras'd.*
43. *Is* Exod. xxiii. 3.
42. *Is* Exod. xxiii. 4.
44. *Is*, Always avoid Lying.

45. *Is*, Never put to Death the Upright and Innocent.

46. *Is*, Take no Bribes, for they full oft blind the Judgment of the Wise, and pervert their Words.

47. Allow not of any Unkindness toward Foreigners, and Strangers, nor molest them with injurious Dealings.

48. Swear not by Heathen Gods, and nothing, neither call upon them. [a]

[a] I have made no Reflections on King *Alfred*'s singular Way of translating and transposing the ten Commandments, and the judicial Laws of *Moses*, for I thought it sufficient to shew the Reader, how the Scriptures were treated in this Age. I have the rather been sparing of my Censures, because I consider this Preface as the Work of an *English* King, who had a great Zeal for Christianity; a Thing so rare, that where-ever it is found in Princes, it ought to be admired and venerated.

In

In truth, had it not been for King *Alfred*, in this Age of War, Confuſion, and Ignorance, ther is juſt Cauſe to ſuſpect, that Chriſtianity it ſelf had been extinguiſh'd here in *England*.

'Tis not eaſy to ſay, with what View King *Alfred* put this Scriptural Preface to his Laws, if it were not to ſhew his great Eſteem for God's Word. Ther is no Hint given, that he expected his People ſhould make the judicial Precepts of *Moſes*, the Rule of their Actions, tho' he had, no doubt, this End in his Eyes, when he begins his Preface with the Ten Commandments, and delivers them, as he had been taught at *Rome*, in his younger Days, that the Moral Law of God ſhould be known and practis'd by his People.

We know not by what Steps and Degrees the Worſhipping of Images was introduced in this Nation; but by this King's dealing with the ſecond Commandment, we may be ſure it was now an eſtabliſh'd Practice.

49. Theſe are the Dooms which God Almighty himſelf ſpake to *Moſes*, and enjoin'd him to obſerve.

After the only begotten Son of the Lord our God, that is, Chriſt our Saviour, came into the World, he declared, He came not to break, or repeal theſe Commandments, but to enlarge them with every Thing that is good: And he taught Mercifulneſs and Humility.

Then after his Paſſion, before the Apoſtles were to go thro' all the Earth to preach, while they were yet all at one Place, they converted many Heathen People to God. Then while they were yet all together, they ſent Meſſengers to *Antioch*, *Syria*, and *Cilicia*, to teach the Laws of Chriſt. Then they underſtood what had happen'd to them: Then ſent they this Epiſtle to them, who from being Heathen, were become Chriſtians.

The Apoſtles, and Elder Brethren, wiſh you Health, and give you to underſtand, that we are grieved, that ſome of our Companions came to you, in our Name, and heavily charged you to obſerve, what

what we had charg'd you to obſerve; yet led you into Error with various Commandments, and rather turn'd your Souls aſide, than ſet them right. Upon this we aſſembled our ſelves, and with unanimous Approbation, we have ſent to you *Paul* and *Barnabas*, Men that are willing to offer their Souls for the Lord's ſake; with them we have ſent *Judas*, and *Silas*, to tell you the ſame Thing. It ſeem'd good to the Holy Ghoſt, and us, that we would lay on you no Burden, but ſuch as was neceſſary for you to keep; that is, that ye forbear to celebrate Devil-Worſhip, and from eating Blood, and Strangled, and from clandeſtine Copulation, and that ye do not that to other Men, which ye would not that they ſhould do to you: A Man ought to conſider this Doom, that he may determine every thing aright, and he needs no other. Let him reſolve not to paſs ſuch a Sentence on others, as he ſhould be unwilling another ſhou'd paſs on him, if he undertook to judge him.

Afterwards it came to paſs, that many People receiv'd the Faith of Chriſt, then were many Synods of Holy Biſhops, and other famous wiſe Men, thro' the whole Earth, and alſo among the *Engliſh*, after they had receiv'd the Faith of Chriſt. Then they, out of that Tenderneſs which Chriſt taught toward the greateſt Crimes whatſoever, decreed, That Secular Lords might, *with their Leave*, take pecuniary Mulcts, *at their Appointment* ([b] with a Reſerve to the Sin [it ſelf] and the principal Guilt)

[b] This ſeems to me to be the Senſe of theſe Words, with Submiſſion to better Judgments; the Meaning is, that the Biſhops, notwithſtanding their conſenting to theſe Mulcts, yet retain'd to themſelves and the Prieſts, the Power of enjoining Penance, and giving Abſolution from the Crime, as it regarded, and the Conſcience of the Offender.

Guilt) excepting for [c] Treaſon againſt their Lord. Toward that they durſt not ſhew any Tenderneſs, becauſe God had decreed none to ſuch as deſpiſed him; nor did Jeſus Chriſt the Son of God decree any toward him who betray'd him to Death. And he has commanded to love one's Maſter as one's ſelf. Theſe Men in many Synods have ſettled the Satisfactions [due] for many human Crimes, and they have, in many Synodical Books, commanded to be writ down, in what Caſe [ther ſhall be] one Doom, in what another.

[c] Yet in the fourth of the following Laws, as they ſtand in *Lambard*, (for you have here only the Eccleſiaſtical Laws) ther is Mention of the King's Weregild: It was a Sum of old fix'd and determin'd, and well known, and to be paid by the Relations, if the Traitor made his Eſcape, or if he appear'd, as a Fee, neceſſary in Order to get Admiſſion to a Purgation: The Words of *Law* the 4th are, in *Engliſh*, *If he will purge himſelf, let him do it for the King's Weregild.*

Then I *Alfred* the King made a Collection of them, and commanded many of them, which our Predeceſſors had obſerved, [and] which I approved, to be tranſcribed; and thoſe which I approv'd not, alter'd, with the Advice of my Counſellors, and commanded them to be obſerved in another Manner; for I durſt not preſume to ſet down in Writing very many of mine own, becauſe I know not what would pleaſe them that were to be after us. What I found in the Days of *Ine* my Kinſman, or of [d] *Offa* King of the *Mercians*, or of *Ethelbert* (who firſt of the *Engliſh* Nation received Baptiſm) which ſeem'd to me moſt righteous, I have here collected, and paſs'd over the reſt. Then I *Alfred* King of the *Weſt-Saxons*, ſhew'd them to my Counſellors, and they declared that they approved the Obſervance of all of them.

The

[d] The Laws of *Offa* ſeem to be loſt.

The Laws Eccleſiaſtical of King ALFRED, *ſeparated from his Civil Laws.*

1. FIrſt, we teach what is moſt neceſſary, that every Man ſtrictly obſerve his Oath and Covenant. If a Man be wickedly bound, either to Treaſon againſt his Lord, or to ſupport Wrong; then it is more righteous to break one's Word, than to fulfil it. If one Covenant to do what is Righteous, and then falſify, then let him reſign his Arms, and his Eſtate, to be kept by his Friends, and be a Priſoner for forty Nights, in the Place of Royal Reſidence; and do ſuch Penance as the Biſhop injoins him, and let his Kindred feed him, if he want Meat. If he have no Kindred, or they have no Meat, let the King's Reeve feed him. If he muſt be compelled by Force, or elſe will not [comply] then if he be overpower'd, let him forfeit his Arms, and his Eſtate; if he be ſlain, let him lie without any Weregild. If he run away before *the Time aſſigned by Law*, [be expired] and be taken, let him be Outlaw'd, and Excommunicated from all the Churches of Chriſt. If he have any Surety, let Satisfaction be made for Breach of Suretiſhip, as the Law directs; and for [a] Breach of Covenant, as the Shrift ſhall require.

[a] This is very obſervable, that he who was Surety for the good Behaviour of another, in Relation to the State, was alſo anſwerable to the Church, ſo far as to pay any Forfeiture incurr'd by the Principal, for acting contrary to good Conſcience.

2. If

2. If any one betake himſelf to the [b] Minſter-Houſe, for any open Crime whatſoever, which does not concern the King's Eſtate, or [c] ſome honourable Family favour'd [by the King] let him have *the Time appointed by Law*, of three Nights to provide for himſelf, except he will compound. If any one diſtreſs him, during the appointed Time, by ſlaying, or binding, or wounding him, let Satisfaction be made by Weregild, or Mulct, for every one of theſe in due Form, and with 120 Shillings to [d] thoſe of the Family, as a Satisfaction for Breach of the Church's Peace.

[b] It is certain, that Religious Houſes had particular Apartments, for the Accomodation of thoſe that were in Sanctuary: For they were not permitted to eat, or ſleep, much leſs to do other natural Actions in the Church it ſelf: Tho' Mynſtep hama, may ſignify Church Protection.

[c] Oþepne ꝑpione hýpeþ be æꝑꝑunþ ꝛy. *John Brompton*'s Latin Verſion is, *Alteri commodo deſerviat & venialis ſit.* 'Tis probable, the Copy from which that Tranſlation was made, differ'd from the preſent; and a ſmall Alteration will reconcile theſe Words with that ancient Verſion. But here it deſerves our Reflection, that ſo pious a King as *Alfred*, ſhould ſee a Neceſſity of limiting the Privilege of Sanctuary, both as to the Crimes for which it was allow'd, as alſo in relation to the Time granted to the Malefactor to provide for his Flight beyond Sea. This Time which is here call'd, Fyꝛꝛ, was by the Canon Law 30 Days, and our firſt Chriſtian Princes were as large as any other, in their Grants of this ſort; but they ſoon found a Neceſſity of retrenching. See *Law* 9. below.

[d] *Eccleſiæ Miniſtris*, *Brompton*. Every Church of Old might be ſaid to have a Family, that is, a Number of Prieſts, or Clerks, at leaſt.

3. If any Man break Suretiſhip with the King, let him make Satisfaction for the Wrong, as Juſtice directs; that is, with five Pound of *Mercian* Money. Satisfaction for Breach of Suretiſhip with

the Archbiſhop, is to be made with three Pound; with another Biſhop, or Alderman, for two Pound.

5. 4. We alſo decree, That every Church, hallow'd by a Biſhop, have this Privilege, *viz.* If a [e] Foe run thither, that no Man, for ſeven Nights, draw him from thence; if any Man do, he incurs the Penalty of breaking the King's Protection, and the Church's Peace (if he take more [Men] from thence, the [Penalty] is the greater) if he can live for Hunger, without fighting his Way out. If they of the [f] Family have great Occaſion for the Church, they may keep him in another Houſe, ſo that it have not more Doors than the Church. Let the Church-Elder know, that no Meat is to be given him, during this *appointed Time.* If he be willing himſelf to ſurrender his Arms to his Enemies, let them keep him thirty Nights, and then [g] offer him to his Relations. The Privilege alſo of the Church is, That if any Man betake himſelf to a Church, for any Crimes whatever, that were before unknown, and there confeſs them in God's Name, half [the Mulct] be forgiven him.

[e] One that denied to do Satisfaction for the Wrong he had done to another. See *Law* $\frac{19}{33}$. Such as theſe had the ancient full Privilege of Sanctuary, their Offences not being committed directly againſt the King or Government.

[f] See Note [d] in *Law* 2.

[g] They were to offer their Priſoner to his Friends, that if they wou'd make Satisfaction for the Wrong done, he might be enlarged.

6. 5. If one ſteal any thing in the Church, he forfeits the ſingle Value of it, and alſo the Mulct that belongs to that ſingle Value, and let the Hand with which he did it be taken off. If he will ranſom his Hand, and that be allow'd him, let

let him pay in Proportion to his Weregild. [h] He that ſtealeth on *Sunday* Night, or on *Chriſtmas*, *Eaſter*, *Holy Thurſday*, and [i] the *Perambulation-Days*, our Will is, that he make Satisfaction two-fold; as alſo on the *Lent* Faſt.

[h] *Brompton* makes two Laws of this, and places the following Part before the foregoing.

[i] *Brompton* omits the Perambulation Days.

6. If any Man take a Nun out of a Monaſtery, [k] without the Leave of the King, or Biſhop, let him pay 120 Shillings; half to the King, half to the Biſhop, and the Lord of the Church to whom the Nun belonged. If ſhe outlive him that took her out, let her not have the leaſt Particle of his Eſtate. If ſhe bear a Child, let that have no more of his Eſtate than the Mother. If the Child be killed, let the Share of the Forfeiture that belongs to the Mother's Relations, be paid to the King: Let the Father's Relations have their Share paid them. 8.

[k] By this it ſeems, that either King or Biſhop could diſpenſe with the Nun's Vow.

7. If a Man defile the Wife of one that is rated at Twelve hundred Shillings, let him, for Satisfaction, pay One hundred and twenty Shillings; [If the Husband be rated] at Six hundred Shillings, [let the Satisfaction be] an hundred Shillings; if a common Man's, forty Shillings: And let the Pay be in living Stock, and let none part with a [l] Man on that [Account.] 10.

[l] That is, a Slave, for ſuch might have been included in living Stock, if ther had not been a particular Exception.

8. If a Man handle the Breaſt of a common Man's Wife, let him make her Satisfaction with five Shil- 11.

lings; if he throw her down, but do not lie with her, [a] *with ten Shillings*; *if he lie with her*, let him pay ſixty Shillings, as a Satisfaction. If another Man have defiled her before, let the Satisfaction be half ſo much. If [b] he be accuſed, and violently ſuſpected only, let him make his Purgation by [Men rated at] ſixty Plough-Land, or pay half the Satisfaction.

If this happen to a Woman of noble Birth, let the Satisfaction increaſe in proportion to her Weregild.

[a] Theſe Words in the different Character, are by Overſight omitted in Sir *H. S.*'s Saxon Text; but the Latin Tranſlation of *Lambard* is printed entire: They are alſo in the Jorval Tranſlation.

[b] I read ȝif him mon ᵹeo, *&c.* and I take this to be the full Import of the Verb ᵹeon.

15. 9. If a Man fight, or brandiſh his Weapon, in Preſence of an Archbiſhop, let him make Satisfaction with [c] One hundred and thirty Shillings. If this happen in the Preſence of another Biſhop, or Alderman, let Satisfaction be made with One hundred and twenty Shillings.

[c] In the Number of Shillings here, I follow *John Brompton*'s Tranſlation, as moſt agreeable to the Tenor of theſe, and the other Laws. The *Sax. Chron.* is One hundred and fifty.

18. 10. If any Man unchaſtly handle the Breaſts, or Weeds of a Nun, without her Leave, let the Satisfaction be double, as to that we before provided for Laywomen.

20. 11. If without the Lord's Leave, any thing of Value be intruſted with his Monk, and it be loſt, let the Owner bear the Damage.

12. If

12. If a Prieſt ſlay another Man, let all that he has purchaſed, with his [d] Habit, be ſeiz'd, and let the Biſhop degrade him; then let him be put out of the Minſter, [e] unleſs the [f] Lord will compound for his Weregild. 21.

[d] Here I tranſlate, by Conjecture, mið hamer, rather haamar, or haaman, Habit, or Profeſſion, Rendition, that is, by means of his Benefice. I believe few will be ſatisfied with the old Verſion, *viz. Presbyter-capiatur --- & totum unde ſibi manſionem emerat.* Mr. *Lambard*'s Verſion differs from this now mentioned, in Words only, not in Senſe.

[e] I ſuppoſe he was put out of his Monaſtery, or Church, (for Minſter ſignifies both) in Order to ſuffer perpetual penitential Exile, except the Lord would compound for the Ranſom: For the Prieſt is ſuppoſed to be diſabled from paying it, by the Seizure of his Goods, beforementioned, which muſt be ſuppoſed to have been done by his Spiritual Lord, the Biſhop, or Abbot.

[f] The Prieſt's Lord was the Biſhop, or Abbot.

13. If any one raviſh the Maid-Servant of a Common Man, let him make Satisfaction to him with five Shillings, and pay ſixty Shillings as a Mulct. If a Man-Slave force a Woman-Slave, let him make Satisfaction with [the Loſs of] his Genitals. If a Man force a Woman, before her Puberty, let Satisfaction be made, as if ſhe were of full Growth. 25.

14. If any Man implead another of [g] Breach of Promiſe to God, and will accuſe him for that he has not perform'd ſomewhat that he had plighted, let him firſt give his Oath on't in four Churches, and the other, if he will juſtify himſelf, let him do the ſame in twelve. 29.

[g] This is a Crime of which no Courts have taken Cognizance, for many Ages paſt. The old Jorval Tranſlation underſtands it of ſuch as had vow'd to be Monks.

31. 15. If one bind a Common Man, guilty of no Crime, let him make Satisfaction with ten Shillings; if he beat him, with twenty Shillings; if he put him to the Torment, with thirty Shillings; if he opprobriously shave him, like a Fool, with ten Shillings; if he shave him like a Priest, (tho' he do not bind him) thirty Shillings; if he shave off his Beard, with twenty Shillings: If he first bind him, and then shave him like a Priest, then let him make Satisfaction with sixty Shillings.

34. 16. If Men fight before the King's Aldermen in Court, let the Satisfaction be made as for Blood, and a Mulct paid, as Right is, and before that, One hundred and twenty Shillings, a Mulct to the Aldermen. If any one cause Disturbance in the County Court, by brandishing of Weapons, let him pay One hundred and twenty Shillings, as a Mulct to the Aldermen: If somewhat of this happen before the King's [h] lesser Alderman, or the [i] King's Priest, let thirty Shillings be paid for a Mulct.

[h] Probably the Sheriff, or lesser Reeve.

[i] Some suppose, that the Bishop is here call'd the *King's Priest*; but this seems highly improbable; for to brandish a Weapon in his Presence, was One hundred and twenty Shillings Forfeiture; in the Priest's Presence, but Thirty Shillings. It may seem strange, that the Alderman is spoken of as sitting in the Folke-gemote, or County-Court, without the Bishop; but it is to be remembred, that drawing a Weapon in the Bishop's Presence, had been mentioned, and tax'd before, in the 9th *Law*, and ther was no Occasion to repeat it here: And it must be supposed, that the Alderman sate sometimes without the Bishop; for some of the Dioceses were then so large as to contain very many Shires, and the Bishop could not, in his own Person, attend all these Assemblies, but only such Shire-Courts as required the greatest Solemnity, and where his Presence was in a special Manner necessary, from the Nature of the Business there to be transacted; the Priest who sate in his stead, in the County Business, or any smaller Gemote, might be call'd the King's Priest.

17. Burg-

17. Burglary committed in the King's Burrough, is One hundred and twenty Shillings, in the Archbiſhop's, ninety, in another Biſhop's, or Alderman's, ſixty; in a Man's that is rated at Twelve hundred Shillings, thirty Shillings; in a Man's that is rated at Six hundred Shillings, fifteen Shillings: Breaking up the Fence of a common Man, is five Shillings: If this happen [k] when the Army is out, or in *Lent*, the Mulct is doubled. If Men, without leave, take down the [l] holy Veil in *Lent*, let Satisfaction be made with One hundred and twenty Shillings. 36.

[k] The Puniſhment of breaking Houſes, or Fences, when the Army went out, was doubled, becauſe the Violence of the Soldiers at ſuch Times, needed a greater Reſtraint. It was doubled in *Lent*, on Account of the Solemnity at that Time.

[l] The Lenten Veil was a Curtain, drawn between the Altar and the People, during Maſs, whereby the People were prohibited from ſeeing any thing that was done: This was to ſhew the want of Divine Light and Knowledge under the Law, ſays *Durandus*, *l.* 1. *c.* 3. and by this, and other Managements of the Pope, and his Under-Agents, the Times of Chriſt, and his Goſpel, were as dark as thoſe of *Moſes*. We are not to wonder the People took it ill, to be debarr'd the ſight of what they might in part view at other Times, and therfore tore down theſe Veils. And 'tis probable, this Veil was a new Invention, and therfore the more highly reſented by the People; and for that Reaſon a ſevere Law was neceſſary to reſtrain their Fury.

18. We decree, That the Man that has Land holden by written Inſtrument, which his Kindred left him, may not give it away from his Kindred; if ther be either Writing or Witneſs, that a Charge was given by thoſe who firſt purchaſed it, and of them who gave it to him, that he might not ſo do, and it were ſo declared before his Relation, by the Teſtimony of the King and [m] Biſhop. 37.

[m] By this it appears, that the Preſence of the Biſhop was very proper, if not neceſſary, in tranſacting and confirming Civil Diſputes, and Rights of Moment.

38. 19. [a] And we command, That he who knows his Foe to be at home, do not assault him, till he have first demanded Right of him. If he have Strength sufficient to beset and confine him, he may do it for seven Nights, but not assault him, if he keep within Doors. And if he will within seven Nights come to hand, and surrender his Arms, let him keep him safe thirty Days, and let him have Communication with his Kinsmen, and Friends. If he run to the Church, let Honour be done to the Church, as we above declared. If he have not Strength to beset him, let him ride to the Alderman, and demand his Help; if he deny his Assistance, let him ride to the King, before he make an Assault. A Man may make Assault, without Mulct, if he find another Man with his Wife, and the Doors shut, or under one Covering with her, or with his Daughter, born in Wedlock, or with his Sister, lawfully born, or with his Mother, lawfully married to his Father.

[a] I added thus much of this Law to Sir *H. S.*'s Collection, not only to shew the Nature and Occasion of deadly Feuds; but to explain the 2d and 4th *Law* concerning Sanctuaries.

39. 20. [b] Let these Days be indulged to Free Servants, but not to Slaves and [c] Drudges, twelve Days at *Christmass*, the [d] Day on which Christ prevail'd against the Devil, and St. [e] *Gregory*'s Mindday, seven Days before *Easter*, and seven after, and one

[b] Not *Christmas*-day it self, but the twelve Days after *Christmas*, were allow'd to Free Servants to work for themselves, *&c.* See *Law* 7 of *Alf.* and *Guth.*

[c] The Jorval Lat. has, *pauperes operarios.* Therfore the *Saxon* Copy used by that Translator, had Þyphtum, not Rihtum, In which I follow him.

[d] *Ascension*-day, or the First *Sunday* in *Lent.* The Series favours this.

[e] *March* 12.

one Day at [f] St. *Peter* and St. *Paul*'s-tide, and a full Week before [g] St. *Mary*'s-*Maſs* in Harveſt, one Day [for] the Celebration of *All-Saints*. And the four *Wedneſdays* on the four *Ember*-Weeks, are indulged to all Slaves, to beſtow what Time is given to them in God's Name, to ſuch as are moſt beloved by them; or [h] they may on any of theſe Intervals earn [by their Labour].

[f] *June* 29.

[g] Aſſumption, *Aug.* 15.

[h] This was one Means by which Slaves might get a Property of their own. In the Sermon of *Lupus*, at the Time when the *Danes* exercis'd the greateſt Outrages againſt the *Engliſh* People, one great Grievance there mention'd is, That Slaves could not have what with great Difficulty they had earn'd *in their own ſpare Times*. Sax. on aganan hpilan, not *diuturnâ ſui temporis uſurâ*, as it is rendred, *Diſſert. Epiſt. p.* 100.

A. D. DCCCLXXVIII.

King ALFRED'S and GUTHRUN'S Laws Eccleſiaſtical.

PREFACE.

SInce the Danes *had firſt begun to make Deſcents and Inroads upon the* Engliſh, *the Face of Affairs in this Nation was very deplorable. Between the Rapines of the Enemy, and the Demands of our Kings, for the Defence of the People, the Nation was greatly impoveriſh'd; little Regard was paid to the Law; Churches and Monaſteries were either demoliſh'd, or deprived*

prived of Divine Service; Learning was wholly neglected: But when Alfred *came to the Throne, he gave a great and happy Turn to the Face of Affairs. He was a King of a Martial Spirit, and is said to have fought fifty-six Battles, by Land and Sea: And within seven Years after his Advancement to the Throne, he so far reduced the* Danes, *as to bring them to Terms of Agreement. Their King* Guthrun *professes Christianity, and is baptized,* Alfred *standing Godfather at this Solemnity: He relinquishes all further Pretensions on King* Alfred *and his People, on Condition that he might have the Kingdom of* Northumberland, *and of the* East-Angles: *And these are the Religious Laws by which they agreed to administer their Government; for I conceive, that as to Civil Matters, both Kings were left to their own Native Laws. The Truth is, King* Alfred *seems to have studied nothing but Religion and War; and in these Respects he clearly excell'd all his Ancestors, the Monarchs of all* England, *and was therfore deservedly called* ALFRED THE GREAT. *The new Arts of Civil Government, and Foreign Trade, have swell'd the Volumes of our Laws in these later Ages.*

It is certain, that this Guthrun, *who made an Alliance with King* Alfred, *died long before* Edward *came to the* English *Throne; but then it is as certain, that King* Edward *made, or renew'd this Alliance with the* Danes, A. D. 907. *And tho' the former* Guthrun *were then dead, yet another of that Name might then Reign in* Northumberland, *and* East-England: *And this Preface intimates, that these Laws were more than once enacted by common Consent.*

A. D. DCCCLXXVIII.

Sax. Sir H. S. Vol. 1. p. 390.

THis is the Ordinance that King *Alfred* and King *Guthrun*, and afterward King *Edward* and King *Guthrun*, made and publish'd, when the

English

Engliſh and the *Danes* received each other into perfect Peace, and Friendſhip, and the Wiſe Men in After-Times, have full oft renew'd and improved them for the better; that is,

In the firſt place they declared, That they would love One God, and abandon all Heatheniſm in earneſt. And they have enacted a juſt ſecular Law, becauſe they knew, that they could not otherwiſe govern many, who would not ſubmit (as they ſhould) to Eccleſiaſtical Diſcipline. And they have decreed a Secular Diſcipline between Chriſt and King, in all Caſes, where Men were unwilling to conform to Eccleſiaſtical Diſcipline, with a juſt Regard to the Authority of the Biſhops, *viz.*

1. That the Peace of the Church within its Walls, and the Peace of the King's Right Hand be equally inviolable.

2. And if any one do reject the Chriſtian Religion, or ſhew his Eſteem for Heatheniſm, let him pay his Weregild, and a [a] Mulct, and a Fine, in proportion to the Fact.

[a] The Mulct, Wite, always belongs to the *Engliſh*, the Fine, or Lahſlite, always to the *Danes*.

3. If a Man in Orders ſteal, or fight, or forſwear, or commit Uncleanneſs, let him make Satisfaction, in proportion to the Fact, both by his Weregild, by Mulct, and Fine: Eſpecially let him make Satisfaction to God, as the Canon directs, and find a Surety, or be put into Goal. If the Maſs-Prieſt miſinform the People, concerning a Feaſt or a Faſt, while he is celebrating Offices, let him pay thirty Shillings among the *Engliſh*, two [b] Marks and half among the *Danes*. If the Maſs-Prieſt do not fetch the Chriſm duly [c] at the appointed Time, or refuſe to baptize in Caſe of Neceſſity, let him

[b] A *Mark* was Thirty Pence.
[c] *Maundy-Thurſday*.

him pay a Mulct among the *Engliſh*, a Fine among the *Danes*, that is, twelve [d] Ores. If a Man in Orders commit a Capital Crime, let him be reſerv'd to the Biſhop's Doom.

[d] An Ore was an Ounce.

4. As to inceſtuous Perſons, the Wiſemen have decreed, That the King have the better of them, the Biſhop the worſe, unleſs Satisfaction be made, both toward God, and toward the World, in proportion to the Fact, as the Biſhop directs. If two Brothers, or two near Kinſmen, lie with the ſame Woman, let them make Satisfaction with Diligence, according as it ſhall be agreed, both by Weregild, by Mulct, and Fine, in Proportion to the Fact.

5. If one that is to ſuffer Death for his Crimes deſire [e] Shrift, let it never be deny'd him: And let Men, for the Mercy of God, [f] promote every Divine Ordinance, and regulate Puniſhment according to the Wiſemen.

[e] Confeſſion and Abſolution.

[f] Jorv. Lat. *Pacificentur*: The Tranſlator read ꝑpiꝛge, but ꝑynꝑꝛge, is better; and I ſhou'd read ꝺoꝛcæꝺon, rather than ꝺolæꝺon.

6. If one with-hold his Tithes, or his *Rome*-Fee, or do not pay his [g] Light-Scot, or his Plough-Alms, or deny any Eccleſiaſtical Rights, let him pay a Mulct among the *Engliſh*, or a Fine among the *Danes*. If he fight againſt [thoſe who demand it] and wound a Man, let him forfeit his Life; if he kill a Man, let him be Out-law'd; and let all that love Right purſue him with [h] Hue and Cry: And if he cauſe Men to kill him, by oppoſing the Right of God, and the King, and if this be aver'd, let him lie without any Satisfaction.

[g] Here is firſt Mention of the Light-Scot.

[h] I read, hꝑeamaan, rather than heap-m, eſpecially becauſe Jorv. Lat. has it, *cum clamore*.

7. If

7. If any Man ſet Goods to Sale on *Sunday*, let him forfeit thoſe Goods, and twelve Ores, among the *Danes*, thirty Shillings among the *Engliſh*. If a Freeman work on a Feſtival Day, let him forfeit his Freedom, or pay his Mulct or Fine: Let the Slave forfeit his Hide, or a Compenſation for it. If a Lord force his Servant to work on a Feſtival, let the Lord pay a Fine among the *Danes*, a Mulct among the *Engliſh*.

8. If a Freeman violate a ſolemn Faſt, let him pay a Mulct, or Fine: If a Slave do it, let him forfeit his Hide, or a Compenſation for it.

9. Oaths and Ordeal are forbidden on Feſtival-Days, and ſolemn Faſt-Days. He who breaks this, pays a Fine among the *Danes*, a Mulct among the *Engliſh*. Let no Execution be done on any Man, on the *Sunday* Feſtival, (if poſſible) but let him be kept till the Feſtival is paſt.

10. If a Malefactor, having forfeited himſelf, have had a Limb cut off, and being left to himſelf ſurvive the third Night; afterwards he that is willing to take Care of his Sore and Soul, may help him, with the Biſhop's Leave.

11. If it be known that ther are any where in the Land, Witches, Conjurers, Forſwearers, ſuch as murder by ſecret Arts, or foul, filthy, open Whores, let them be driven off the Earth, and the Nation purged; or let them wholly get them gone of themſelves, except they deſiſt, and make deep Satisfaction.

12. If a Man in Orders, or a Stranger, be ſeduced to any thing that touches his Goods or Life, then ſhall the King, or the [i] Earl of the Country, or

[i] The Earl was next above the Alderman; his Were-gild was equal to that of an Archbiſhop, as you may ſee in the Memorials ſubjoin'd to theſe Laws; whereas the Alderman's was but equal to that of a Biſhop; yet theſe Titles are often confounded, in ancient Monuments.

or the Bishop of the People be instead of Kindred, an Advocate to him, if he have none else. But let him make Satisfaction to [k] Christ, and the King, with all Diligence, in proportion to the Fact: Or else let the King that is over the People severely punish the Crime.

[k] By this was meant Penance.

A. D. DCCCCVIII.

Provision for filling vacant Sees.

PREFACE.

About this Time, this whole Nation was under the Pope's Curse, or Interdict, as Sir H. S. p. 309, *on account of the long Vacancy of several Bishops Sees. It is said, the* West-Saxons *had been without any Bishop for seven Years together. But on the coming of the Pope's Bull, the King that then was,* viz. Edward *the Senior, and* Plegemund *Archbishop of* Canterbury, *in a Synod where the Archbishop presided, erected five Dioceses in* West-Saxony, *instead of the two that were before, and nominated Bishops to fill them; but they were not consecrated, till* Plegemund *had first been at* Rome, *and laid the Proceedings of the King and Synod before the Pope, and purchased his Reconciliation with costly Presents; and on his Return, he Consecrated those five Bishops, as also a sixth for the* South-Saxons, *a seventh for the* Mercians.

Ther

Ther is a Proviſion in the Pope's Bull, which deſerves to be made a Law in every Church in the World, by ſome better Authority than that of a Pope, and which I here inſert.

A. D. DCCCCVIII.

THat for the future, when any Biſhop dies, ther be no Delay in placing another in his ſtead. *Lat.*

I am ſenſible ther muſt be an Error in aſcribing this Bull and Proviſion to Pope Formoſus, *who died* A. D. 895. *near ſix Years before King* Alfred's *Demiſe, and* Edward's *Acceſſion. But if we ſubſtitute* Sergius *for* Formoſus, *all runs clear. He came to the Popedom little, if at all, before the Year* 908: *Then King* Alfred *had been dead ſeven Years; and he is acquitted from all Blame, as to the long Vacancy of the Sees, and particularly that of* Wincheſter, *which was his own Royal Seat. And who can wonder, if the Monks choſe to report this Papal Act, as done by* Formoſus, *who was a popular Pope, and made more popular, by the barbarous Treatment of his dead Corps, and Memory, than by ſuch a Monſter of a Man, and Pope, as* Sergius *proved, and more infamous for nothing, than for joining the Enemies of* Formoſus, *and out doing them all.*

A. D.

A. D. DCCCCXXV.

King ETHELSTAN'S Laws Eccleſiaſtical.

PREFACE.

THIS *Year* Ethelſtan *was crowned King, and* Wulfhelm *Conſecrated Archbiſhop of* Canterbury; *then, or ſome few Years after, they made twenty-ſix Laws, whereof theſe following are Eccleſiaſtical.*

A. D. DCCCCXXV.

Sax. Sir H. S. Vol. 1. p. 396.

I *Ethelſtan,* King, by the Advice of *Wulfhelm* my Archbiſhop, and other my Biſhops, command all my Reeves, in the Name of the Lord, and his Saints, that they do in the firſt place give Tithes of all my Eſtate, both of the living Stock, and of the Fruits of the Earth, and that all the Biſhops do the ſame, of all that belongs to them, as alſo my Alderman and Reeves. And my Will is, that my Biſhops, and Aldermen, and Reeves, give this in Charge to all that are ſubject to them, and that they do it effectually, by the Time that we here fix'd, that is, the beheading of St. *John* Baptiſt. Let us conſider what *Jacob* ſaid unto the Lord, *I will give thee my Tythes, and* [a] *my Peace-Offerings.* And what our Lord ſaith, *To all them that have, ſhall be given, and they ſhall abound.*

[a] This is an Interpolation. See *Gen.* xxviii. 22.

abound: And we may remember what, to our terror, is written in this Book, [b] *If we are unwilling to pay our Tythe, the nine parts ſhall be taken from us.*— It is not my Will, that ye get any thing for me by indirect means.

[b] This is a Saying of *Ambroſe*.

I *Athelſtan*, King, declare to all my Reeves, with Advice of Archbiſhop, Biſhops, and Servants of God, That it is my Will, that, for the forgiveneſs of my Sins, ye always feed one poor *Engliſhman*, and give him, from two of my Farms, every Month, an [c] Amber of Meal, and a Gammon of Bacon, or one Ram worth four Pence; and one [d] Shroud every Year for the Twelve Months [wear]; and that ye ſet at Liberty ſome one that has for his Crimes been condemned to Slavery for the Mercies of Chriſt, and for my Love, with the Teſtimony of the Biſhop in whoſe Diſtrict it is; and if the Reeve withhold it, let him pay thirty Shillings as a Satisfaction, and let the Money be diſtributed to the Poor who dwell in the Town where this omiſſion was made, under the Biſhop's Teſtimony.

[c] The certain quantity of this Meaſure is now unknown.

[d] A Garment that covered the whole Body.

2. And we decree againſt breaking into a Church, if the Man appear guilty by the [e] threefold Ordeal, let him make Satisfaction, as the [f] Doom-Book directs.

[e] The moſt common Ordeals were thoſe of hot Iron, and hot Water. In the firſt, ſimple Ordeal was carrying one Pound of hot Iron: Twofold Ordeal was carrying two Pounds: Threefold Ordeal was carrying three Pounds for the ſpace of nine Feet. The ſimple Ordeal in hot Water, was taking a Stone out of boiling Water, hanging by a String no deeper in the Veſſel, than that a Man might take it out by dipping his Hand no farther than the Wriſt. Twofold Ordeal was, when the Stone hung ſo deep in the Water, that the Man muſt dip his

Hand half way between the Wriſt and Elbow. Threefold Ordeal was, when he muſt dip up to the Elbow. Ther was another Ordeal us'd for the moſt Inferior Sort, that, I mean, of cold Water; ſtill us'd by Ignorant People in trying Witches. *See Law* 5. *below.*

[f] That is a Book containing the foregoing Law, and others now loſt.

6. 3. And we decree concerning Witchcraft, [g] Magical Medicines, and ſecret Arts of Murder; if one have been Slain, and the Man cannot deny it, let him forfeit his Life; if he will deny it, and appear guilty at the threefold Ordeal, let him be 120 Nights in Priſon; afterwards let his Relations take him out, and pay the King 120 Shillings, and to his Relations the Price of his Blood; and let them become his Sureties, that he do ever deſiſt from ſuch [Practices]. And let Incendiaries, and ſuch as vindicate Thieves be [thought] worthy of the ſame Treatment. And let him that will vindicate a Thief, tho' he wound no Man, pay to the King 120 Shillings, for his inſult againſt Law.

[g] Lyblac is, by *Lambard* and *Somner*, ſaid to be a Barbarous Sacrifice; the latter ſuppoſes that it was ſome Animal burnt alive, and it muſt be own'd, that the *Saxon* word is clearly capable of this meaning; but it is as ſure that Lib, or Lyb, ſignifies a Charm, and lac is often a mere Termination. I obſerve it is always put with Witchcraft, Magic, *&c.* excepting the 6th Law of *Edmund* 943.

14. 4. And we decree, That the Coin be the ſame over all the King's Dominions, and that none be minted where ther is no [h] Gate. If the Coiner offend, let the Hand with which he committed the Crime be ſtruck off, and ſet up over the Minting-Houſe.

[h] Some by Port here underſtand a Haven, but this cannot be, becauſe ſeveral Places mention'd in this Law never were Ports in this ſenſe. A Town that has Gates, has alſo Walls, and therfore was a Place of greater Security. Such Towns as have no Gates, give freer ingreſs and egreſs to all ſort of Malefactors.

Houſe. If he be accuſed and will purge himſelf, then let him go to the hot Iron, and let the Hand with which he is accuſed to have committed the Crime, make the Purgation. And if he appear guilty by the Ordeal, let him be dealt with as is before ſaid. At [i] *Canterbury* let ther be ſeven Coiners, four of the King's, two of the Biſhop's, one of the Abbot's. At *Rocheſter* three, two of the King's, one of the Biſhop's. At *London* eight. At *Wincheſter* 6. At *Lewes* two. At *Haſtings* one. At *Chicheſter* one. At *Hamton* two. At *Werham* two. At *Exceſter* two. At *Shaftsbury* two. At every other Burrough one.

[i] Ther is Money ſtill extant with *Ceolnoth* Archbiſhop of *Canterbury's* Face on it,

5. If any one make a Promiſe of Ordeal, let him come three Nights before to the Maſs-Prieſt who is [k] to hallow it, and live on Bread and Salt, Water and Herbs, before he go to it; and let him ſtand at his Maſſes theſe three Days, and make his Offering, and [l] go to Houſel the ſame Day that he goes to Ordeal; and take an Oath that he is not guilty, according to the common Law, of the Accuſations. And, if it be [m] Water-Ordeal, let the Rope go two Ells and half below the ſurface. 23

[k] See the account of Ordeal after theſe Laws, and the Notes there.

[l] This is the old Phraſe for receiving the Sacrament of Chriſt's Body and Blood.

[m] This is meant of cold Water Ordeal, or ſwimming Men to try whether they be guilty or not guilty. The *Forval* Tranſlation, as well as *Lamb.* ſays, *an ell and an half:* This is only a Proof that *Brompton*, or whoever was the Author of that Tranſlation, did underſtand the Saxonic Tongue but very imperfectly, and were far inferior to *Somner*, and *Hicks*, and *Marſhal*, in this reſpect, the *Saxon* is þneo healfe elne: and one Ell and an half is ſcarce the middle ſtature of a Man. *See Sax. Gram. p.* 33.

face. If it be Iron-Ordeal, let it be three Nights before the Hand be undone. And let all his Accuſers be firſt demanded to give their Oaths. And let them that are there, of either ſide, be faſting, according to the Injunction of God and the Biſhop: And let ther not be more than twelve of either Party; if he that is accuſed bring more, let the Ordeal be null, except they will be gone from him.

24. 6. —— Let ther be no Marketing on *Sundays*: Let the Offender forfeit the value of the Goods, and pay thirty Shillings.

25. 7. Let him that takes a falſe Oath, if it be diſcovered, never be [thought] worthy to be admitted to ſwear afterwards; nor when he dies, to lie in a conſecrated Churchyard; unleſs he have the Teſtimony of the Biſhop of the Shire, to which he belongs, that he hath made Satisfaction according to what his Confeſſor enjoin'd him. Let the Confeſſor inform the Biſhop within thirty Nights, whether he be willing to make Satisfaction. If he do not ſo, let him make Satisfaction according to the Biſhop's Injunction.

[a] If my Reeves will not do any of this, or do leſs than we have commanded, let them pay for their Contumacy againſt me: And I ſhall find other that will: And let the Biſhop amerce the [b] Contumacy of the Reeves within his Diſtrict. He that departs from this Ordinance the firſt time, let him pay Five Pounds, the ſecond time the Price of his Blood; the third, all that he hath, and the Friendſhip of us all.

[a] This Paragraph ſeems properly to belong to the firſt Law.

[b] *Saxen* oꝛeþhyꝛneꝛꝛ, a Law Term. The Mulct was 120 Shillings by the firſt Law of King *Edward*.

All

All this was decreed at the Great Synod at *Grathea*, where was *Wulfhelm* the Archbiſhop, with all the Noble and Wiſe Men that King *Ethelſtan* had called together.

Here follow ſome Laws, or Memorials, concerning Eccleſiaſtical Matters, which are not in the Saxon *Copies, but only in the* Latin, *and which Sir* H. S. *gives us, Vol.* 1. *p.* 404, *&c. As* Grathea *was the Place where King* Ethelſtan *held his firſt Great Council; ſo we are aſſured, that he held ſeveral others at* Exeter, Feverſham, Thunderfeld, *and* London: *And in ſome of theſe Councils, probably, theſe Additions were made. I continue the Numbers only for the ſake of Reference.*

8. As to Ordeals, we charge, in the Name of God, and by the Precept of the Archbiſhop and all my Biſhops, that no one go into the Church, after the carrying in of the Fire, with which the [a] Ordeal is to be heated, but the Prieſt, and the Perſon to be tried: And let nine Foot be meaſured out from the Stake to the Mark, according to the length of the Perſon's Foot who is to be tried. And if it be Water-Ordeal, let it be heated till it boils: And if it be a ſingle Accuſation, let the Hand be dipped to the Fiſt only, to take out the Stone; but if the Accuſation be threefold, then let it be dipped to the Elbow: And when the Ordeal is ready, let two of each Party come in, to ſee *Lat.*

[a] Ordeal in this Law clearly ſignifies the Water, or Fire, with which the ſuſpected Party was tried: It is in the *Latin* called *Judicium*: Which very much countenances the Opinion of the eminent Dr. *Hickes*, *viz.* That the Word *Ordeal* is the ſame with the old *French*, Upeel, which ſignifies Judgment, or Doom. *Diſſertatio Epiſtol. pag.* 149.

that it be ſufficiently heated, and let an equal number of both ſides enter, and ſtand on each ſide of the Ordeal along the Church; and let them all be faſting, without having been with their Wives the foregoing Night; let them humble themſelves at the Prieſt's ſprinkling the Holy Water upon them: And let the Prieſt give them the Holy Goſpel Book and the Sign of the Holy Croſs to be kiſs'd. And let no Man encreaſe the Fire after the [b] Conſecration is begun; but let the Iron lie in the Fire till the laſt Collect, then let it be laid [c] on the Pillar: And let nothing be ſaid, but Prayers to God, that he may reveal the Truth: And let the Perſon accuſed drink Holy Water, and let the Hand in which he is to carry the Ordeal be ſprinkled with it. Let the nine meaſured Feet be divided into three Parts, containing each three Foot. Let him place his right Foot at the firſt Mark at the Stake, at the ſecond Mark let him put his right Foot foremoſt, when he is come to the third let him throw down the Iron. Let him ſpeed to the Holy Altar, and let his Hand be ſeal'd up. On the third Day let Inſpection be made whether ther be any [d] Filth or not, in the place that was ſealed up. If any one break theſe Laws let the Ordeal be null, and a Mulct of 120 Shillings be paid to the King.

[b] The Fire and the Water, both hot and cold, had many Prayers, Croſſings, and other Ceremonies perform'd over it by the Prieſt, before the Perſon was tried by it. He that deſires to ſee the Forms of Conſecration, may find them at large tranſcribed from the Text. *Roffen.* at the end of the *Faſciculus rerum*, publiſh'd by Mr. *Brown*; and he will ſay, he never met with any thing more nauſeouſly Superſtitious.

[c] *Lat. Super Staples.* Some Supporter made of Stone, or Iron, from whence the Perſon to be tried was to take the hot Iron into his hands.

[d] If ther was any Matter, or Corruption, the Perſon was condemned as guilty: If ther was none, or the Prieſt could ſee none, he was acquitted.

9. It does of Right concern the Biſhop to promote every Obſervance, both Divine and Secular. In the firſt place he ought to inſtruct him that is ordained what is of Right to be done by him, and how they ought to judge Seculars; and diligently to conciliate Peace and Concord with Secular Judges, who have an Inclination to right and to inſtruct them in [e] purging away Accuſations; that one may not act amiſs toward another in caſe of Oath or Ordeal.

[e] So I tranſlate *in compellationum adlegiatione*, read *Allegiatione*, literally, *Inlawing themſelves againſt ſuch Accuſations, by which they were in danger of being outlaw'd.*

Nor ought he to permit any Fraud by unjuſt Meaſure or Weight; but it is fit, that by his Council and Atteſtation every Publick Law, and the Meaſure and Weight of [every] Burrough be rightly adjuſted, according to what he ſays.

[And] that no one ſeduce his Neighbour, ſo as that he fall into Sin. And a Chriſtian [Biſhop] ought always to make Proviſion againſt the Particulars aforeſaid; and on that account he ought rather to interpoſe in divers Matters, that he may know how his Flock, which he received at the hand of God, to look after, behave themſelves; that the Devil may not wrong it, nor diſſeminate Evil among it.

For the People will never be well provided for, nor be guided in ſuch a manner as God requires, where ungodly, or rather, falſe Gain is loved: Therfore all Friends of God ought to weaken Iniquity, which deſerves to be ſet at nought, and not permit Men to forfeit themſelves to a truly wiſe God, to whom all Injuſtice is diſpleaſing, on account of their Falſity and getting of Money.

And it is necessary for all Christians, that they love Right and condemn Wrong; and that they who are promoted to Sacred Orders, do always advance what is right, and depress what is wicked. Therfore Bishops ought to be present with Secular Judges in their Judicatures, that they may not, if possible, permit any Sprouts of Pravity to spring up.

And it concerns Priests, in their Diocese, diligently to help every one, as to what is Right, and not to suffer, if they can, one Christian to hurt another, that the Potent be not troublesome to the Impotent, the Superior to the Inferior, the Prelate to his Subjects, the Master to his Men, whether bond or free. And it is fit, that [f] Testamental Servants work according to the Bishop's Word, and the Measures fixt by him in the whole Shire over which he presides.

[f] That is, Slaves, which used to be given to surviving Friends by Testators. Many Instances of this may be seen in *Miræus*'s *Codex Donationum*.

And it is right, that one measuring Rod be not longer than another, but all adjusted to the Bishop's Measure, and made even throughout his Diocese. And let every Weight be the same according to his Word; and if ther be any Dispute, let the Bishop decide it.

And it is necessary, that every Master be compassionate and condescensive to his Servants, in the most indulgent manner that is possible. The Slave and the Freeman are equally dear to the Lord God, who bought them, and bought them all with the same Price. And we are all of necessity Servants to God, and He will judge us in the same manner, that we on the Earth judged them, over whom we had a Judicial Power.

A. D. DCCCCXXVI. or thereabouts.

Laws or Memorials of King ETHELSTAN.

PREFACE.

IN *Mr.* Lambard's *Collection of* Saxon *Laws we have, in the next place, King* Ethelſtan's *Council held at* Exceſter *in* Chriſtmas. *Where, after a Complaint made, that the Laws made at* Grathea *were not obſerved, an unanimous Reſolution is taken to drive the Tranſgreſſors out of* England; *and two Civil Laws are added, beſide a third which concern'd the Church, and here follows.*

A. D. DCCCCXXVI. or thereabouts.

1. LEt all the Servants of God, in every Minſter, ſing fifty Pſalms to God for the King every *Friday*, and for all that will what he wills, and for others as they deſerve. And every Man that will may make Satisfaction with his Accuſer, for every Crime objected againſt him, till the next Perambulation-Days, [a] without any Mulct. Afterwards let it be as it was. *Sax.*

[a] This was an Act of Grace: The King forgives Mulcts due to him, ſo that the Offenders make Peace with the Injur'd Parties before Rogation next. The *Saxon* is plain, the *Latin* is unintelligible to me.

Theſe

These [b] *useful Memorials immediately follow in* Sir H. S. *p.* 405.

[b] I call these useful, because they shew the several Degrees and Ranks of Men then in the Kingdom, and the Rates of the Weres, or Weregilds, at which they were laid, of which so frequent mention is made throughout this Volume. But I am far from thinking, that the certain value of the Coins, or Denominations of Money hinted in these Memorials, can be learned from hence: at least, I may dare say, that no Man hath yet done it to the satisfaction of an inquisitive Mind. Any one may see how the great Restorer of *Saxon* Learning fail'd in this Point. *Pref. to the* Thesaurus, *p.* 41. *Dissertat. Epist. p.* 110, 111. Therfore I presume not to meddle with these Money Matters.

2. The King's Weregild at the Common Law, among the *English*, is Thirty Thousand Thrymsa; fifteen Thousand for his Person, the other fifteen Thousand for his Kingdom. The first belongs to his Kindred, the Kingbote to the People of the Land.

An Archbishop or Earl's Weregild is fifteen Thousand Thrymsa.

A Bishop or Alderman's Weregild is eight Thousand Thrymsa.

A General or High-Reeve's Weregild is four Thousand Thrymsa.

A Mass-Thane, and a Secular Thane's Weregild is two Thousand Thrymsa.

A common Man's Weregild is 267 Thrymsa by the *Danes* Law.

A Stranger's Weregild, if he have a Family, and Estate, and pay his Tax to the King, is 220 Shillings. If he have but half a Plough-Land, let his Weregild be eighty Shillings. If he have no Land but be free, let the forfeiture be seventy Shillings.

If

If a common Man have five Hide of Land, and he be kill'd, let the Payment be two Thouſand Thrymſa. Or if he have a Breaſtplate and Helmet, and a Gilt-Sword, tho' he have not the Land. And if his Son or Grandſon have ſo much Land, let their Succeſſors be King's Officers, and let two Thouſand Thrymſa be paid for them.

In *Mercia*, the common Man's Weregild is 266 Thrymſa, this is 200 Shillings. The *Thanes* is ſix times as much, that is, 1200 Shillings. The King's ſingle Weregild is ſix times as much as the Thanes, that is, thirty Thouſand Skeats, in all, 120 Pound; and as much is to be taken for Kinggild. The Kindred have the Weregild, the People of the Land the Kingbote.

3. The Oath of him that is rated at 1200 Shillings is of as great Value as ſix common Mens; for his Weregild is as much as ſix common Mens. The Maſs-Prieſt's and the Secular Thane's Oath are the ſame among the *Engliſh*.

The following Memorial, which Brompton *puts among the Laws of King* Ethelſtan, *and which Dr.* Hicks *prints from the old Saxonic Copy in the* Text. Roffen. *I have thought fit here to inſert.* See Diſſert. Epiſt. p. 113. *Its Title is,*

Concerning the Merits and Legal Condition of the People.

4. It was once the Conſtitution of the *Engliſh*, That the People, and their Legal Condition, went according to their Merits, and then were the Counſellors of the Nation honoured, each one according to his Quality, the Earl and the Churl, the Thane and the Sub-Thane. If a Churl thrived ſo as to have five Hides of his own Land, a Church, and Kitchen,

[c] Kitchen, a Bell-Tower, a Seat, and an Office in the King's Court, from that time forward he was eſteemed equal in Honour to a Thane. And if the Thane ſo improved, that he miniſtred [to the King] and rode an Embaſſy with his own Retinue, and had a Thane to follow him, who had five Hides [of Land], upon a Royal Expedition, [and] attended his Lord in the King's Court; and had thrice gone a Royal Embaſſy; he might afterwards, with his [d] Foreoath act in his Lord's ſtead on various Occaſions; and impeach Men according to Law, in any Caſe where [e] he himſelf might do it. And if he who was thus accuſed had not forfeited [himſelf], he purged himſelf upon Oath, according to his Quality, or elſe [f] forfeited himſelf. And if the Thane ſo improv'd, that he became [equal] to an Earl, he was eſteem'd worthy of the Honour of an Earl

[c] It has been obſerved, that a Triburg, that is, ten, or more Families of Freemen eat together. But it will appear, that every Thane's, or Great Man's Family, was of itſelf eſteem'd a Triburg, by Law 14 of *Edw. Conf.* 1065; therfore at that time for a Man to have a Kitchen for the dreſſing his own Meat might well be eſteem'd the Mark of a Thane. Yet let the Saxoniſts judge whether we ought not to read Kynicena-Bell-hur that is, a *Church-Steeple*, (to diſtinguiſh it from a common Bell-Tower) inſtead of *Kitchen, Bell-Tower. Bede l. 4. c. 23.* mentions a Nun hearing a noiſe *like the known ſound of the Bell, which us'd to be toll'd at the paſſing of a Soul.* This was 250 Years before the death of *Ethelſtan.* Bells therfore are very ancient in *England.*

[d] This Oath was either for the proof of his Commiſſion, that he had authority from the King to execute ſuch and ſuch buſineſs; or elſe it was the Oath by which he impeach'd Perſons ſuſpected.

[e] I ſuppoſe the King himſelf.

[f] Therfore the Impeachment was for ſome Capital Crime: not fewer than three common Men could impeach another.

Earl from that time forward. And if a Trader did so improve as that he pass'd thrice over the wide Sea, by his own Skill, then he from that time forward was thought to deserve the Rights of a Thane. And if a Scholar made such proficiency in Learning, as that he obtained Orders, and ministred to Christ, he was thought worthy of that Dignity and Protection that belonged thereto, unless he incurred a forfeiture of his Function, and might not exercise it. If it happen'd that one in Orders, or a Stranger, was in any respect injur'd, in Word or Deed, then it concern'd the King, and the Bishop, that Satisfaction should be made with all possible speed.

Here we have also transcribed, by Sir H. S. *from the* Codex Regius *in* Latin, *the Rules for making Satisfaction for murdering, or laying violent hands on a Clerk, which I translated from the* Saxon, *and inserted at the Year* 725. *And here I thought fit to insert the* 12th *Canon of a Synod held at* London, *toward the end of* Ethelstan's *Reign, and which I therfore date,*

A. D. DCCCCXL.

[a] We have charged all that are admitted into our Gildship by Pledges given, that if one happen to die, every Brother of the Gild give a Loaf, and Meat sufficient to be eaten with it, for his Soul; and sing, or cause to be sung, fifty Psalms within thirty Nights. *Sir H. S. p. 407.*

[a] By this it appears, that the Bishops were now entred into such a Fraternity as that I have described in my Notes on the last Clause of the *Rules for Satisfaction*, in the Year 725.

ODO's Canons.

A. D. DCCCCXLIII,

Or soon after, Odo, *Archbiſhop of* Canterbury *made the following Conſtitutions.*

PREFACE.

Lat. Sir H. S.'s *Vol.* 1. *p.* 415.

IN the Name of the Holy Trinity, and the one Deity. Tho' it be a bold Preſumption to give Documents of pious Exhortation, without having any Merits of my own; yet becauſe a Spiritual Prize is promis'd to them that ſtrive, and take Pains in the Race of this Life, by the Author of Gifts, the Spirit; therfore I *Odo*, the lowly, and meaneſt that is promoted to the Honour of a Pall, and of being a chief Prelate, have reſolved to[a] put together in this Paper ſome Inſtitutions not unworthy of any Worſhiper of Chriſt, which I found to be of greateſt Authority, from the former Injunctions of Illuſtrious Men, to the Conſolation of my Lord the King, that is *Eadmund*, and of all the People ſubject to his moſt excellent Empire: Therfore I moſt devoutly beſeech, and with clemency exhort the Minds of the Hearers, that they inwardly graft them in their Hearts by frequent Meditation, whenever they hear them rehearſed; and by this means, at the time of Harveſt, gather for themſelves *the moſt peaceable Fruit*, by the manifold exerciſe of Good Works.

[a] I read, *coadunare*, not *quo adunare*.

1. We

1. We charge and command, That the Holy Church of God, which is founded first in the Blood of Christ, and made a fair Spouse by the multitude of Believers, be not invaded by the violence of wicked Men: And let it be allowed to none to lay Taxes upon the Church of God; because the Sons of the Church, that is, the Sons of God, are free from all Earthly Tribute in every Kingdom: *Ambrose* says, *the Catholic Church is free from Royal Taxes.* [b] If any Houses, Lands, or Farms have been taken away from Christians, or been Confiscated, or granted away, we charge, that they be all reassumed by the Christians, as their ancient Right: for *Gregory* says, *If any one rob the Church of Christ let him be Anathema, if he don't make amends.* And again. *Whoever attempts to violate or usurp the Parishes of the Church of God, by rapine, let him be excommunicated by the Ministers of the Church, and become wholly an alien from the Body of Christ:* For they who disdeign to obey the Rules of the Church's Discipline, are more [c] bold than the Soldiers who crucified Christ: for the Church hath Power of Binding and Loosing.

[b] Here is added in Sir *H. S.*'s Copy, *In Historiâ Ecclesiæ.* What the meaning is I know not: probably *Odo* had seen these words cited in some Book called *Historiâ Ecclesiæ.*

[c] My Reader will justly believe this to be a very bold Stroke from the *Lowly* Odo.

2. We admonish the King, Princes, and all that are in Autority, that they with great Humility be obedient to their Archbishops, and all other Bishops, because the Keys of the Kingdom of Heaven are given to them, and they have Power of Binding and Loosing. Nor let them value themselves on account of their Secular Power: *for God resisteth the proud,* &c. And let the King have

wise

wiſe Counſellors, [and] ſuch as fear God, in the Affairs of his Government; that the People being inſtructed by the Example of King and Princes, may make improvement to the Praiſe and Glory of God. [He ought] to oppreſs none unjuſtly by his Power, to judge between Man and Man, without reſpect of Perſons; to be a Protector to the Stranger, Fatherleſs and Widow; to prohibit Theft, to puniſh Adultery, not to prefer Wicked Men, to cheriſh the Poor with Alms; for tho' it is neceſſary that every Man keep the Commands of Chriſt; yet it is more eſpecially ſo for Kings, and all that are in High Places, who are, at the Day of ſtrict Inqueſt, to give an account to the Juſt Judge, both of themſelves, and of the People ſubject to them.

3. Biſhops are to be admoniſh'd, That they do with all Honeſty and Modeſty, according to the godlineſs of our Holy Religion, preach and ſhew a good Example to all: That they go about their Pariſhes every Year, vigilantly preaching the Word of God; leſt any one, thro' the neglect of the Shepherd, wandring in the by-ways of Ignorance, be expoſed to the Teeth of the worrying Wolves. Let none ſtudy to feed the Flock committed to him, for filthy Lucre's ſake, but in hope of an Eternal Recompence; for we ſhould not delay freely to give what we have freely received, *viz.* to preach the Word of Truth to the King, to the Princes of his People, to all Dignities, without Fear or Flattery, with all boldneſs; and never to decline the Truth, to condemn none unjuſtly, to excommunicate none without Cauſe, to ſhew to all the way of Salvation.

4. We admoniſh Prieſts, That they teach their People by their good Example, in the Holy Habit, and inſtruct and inform them by their Holy Doctrin; that their Converſation excel the Manners of the People in all Goodneſs and Modeſty; that they

they who see him walking apparel'd according to the Dignity of the Priesthood, may with good reason speak commendably of his [a] Habit.

[a] *Habit* is a Word that has a complicated Signification: I mean, it denotes not only the singular Garb of a Clergyman, but also his Order or Profession. It shou'd seem ther was a particular Habit for Priests in common Life at this time; tho' afterwards it grew into disuse, as we shall see.

5. Clergymen are to be admonish'd, That they live Canonically, with all Honesty and Reverence, according to the Decrees of the Holy Fathers, giving a good Example, that so the Bishop may gain Credit by their good Conversation, the Church may be honoured, the People may be improved, to the Praise of God; and that they, according to the Dignity of their Title, may be made worthy to come into God's *Heritage*.

6. We exhort Monks, and all devoted to God, That in Humility and Obedience, Day and Night, they study to perform their Vows, continuing in the Churches where they first took their Vows, in the fear of God: let them not be Strollers and Saunterers, who desire the Name, but despise the Duty of a Monk. Let them, according to the Example of the Apostles, inure themselves to the habit of Humility, handy Labour, holy Reading, and continual Prayer, being ready, *with their Loins girt about, and their Candles burning, expecting the Good man of the House*, that he may come and give them Eternal Rest.

7. We absolutely forbid Christians all unrighteous, incestuous Marriages with Nuns, or near Kindred, and with all unlawful Persons, for Pope *Gregory* of Holy Memory, with many Bishops, and other Priests in the [b] Royal House of Blessed *Peter*

[b] *Basilica*, Church.

the Apostle, ordained, [c] *If any one marry a Nun, let him be Anathema: and they answered, Amen.* We following the same Apostolical Authority do likewise cast the dart of Malediction against such, unless upon reproof, they betake themselves to Satisfaction for such nefandous Presumption.

[c] Viz. *Gregory* II. *A. D.* 721.

8. That when we meet in any Convention, we consider what the Psalmist says, by way of Admonition, *The Lord beholdeth the Children of Men,* &c. And again, *The Lord bringeth to nought the Councils of Nations*; and so on to *his own Inheritance*: Therfore we ought to look to it, Brethren, that ther be Concord and Unanimity between Bishops and Princes, and all Christian People: That ther be every where Unity and Peace to the Churches of God; nay, that the Church be one in Faith, Hope, and Charity, having one Head, which is Christ; whose Members ought to help, and mutually love each other, as He himself says, *In this shall all men know,* &c.

9. We admonish, That Fasting, with Alms, be very carefully observed; for these are the [d] three Wings which carry Saints to Heaven: Wherfore endeavour to keep the Fast of *Lent*, of the four Seasons, and other lawful Fasts, as of the [e] fourth, and

[d] Either *Prayer* was first joined with Fasting and Alms, but afterwards dropt by the carelesness of the Transcribers; or else it shou'd be *duæ*, instead of *tres*.

[e] It is evident from this, that the old *English* symbolized with the *Easterns*, not with the *Romanists*, in observing their weekly Fasts: and even *Gratian*, long after this, countenances the *Wednesday* and *Friday* Fast, *De Consec. Dist. 3. c.* 16. yet it is certain that *Innocent*'s Decree for the Sabbath, or *Saturday* Fast, whether genuine or not, was long before this received by the Church of *Rome*; and *Gratian* himself there cites it. And *see Ecbright's Dialogue in fine.* 734.

and ſixth Day of the Week, with great Vigilance; And above all, the Lord's Day, and the Feſtivals of Saints, ye are to take care, that ye obſerve with all caution, [by ceaſing] from all Secular Work. Conſent to no vain Superſtitions; nor Worſhip the Creature more than the Creator, with Magical Illuſions: for they who do ſuch things ſhall not inherit the Kingdom of God.

10. And we faithfully intreat you, as to the paying of Tythes, as it is written in the Law, *The Tenth Part of all thine Increaſe, and thy Firſt-fruits, carry into the Houſe of the Lord thy God.* And again, by the Prophet he ſays, *Bring your Tythes into my Store-houſe,* &c. *Mal.* iii. 10. Therfore with an Obteſtation we charge you, That ye take care to pay Tithe of all that ye poſſeſs: Becauſe this doth peculiarly belong to God: And Men ſhou'd live, and give Alms out of the nine Parts. Let us do the Truth, and remain in Charity in Him who is God bleſſed for ever. *Amen.*

Archbiſhop Odo's *Synodical Epiſtle, tranſcribed by Sir* H. S. *from* Malmsb. de Geſtis Pontific. *L.* 1.

By the Help of the Almighty, who preſides over the Poles, I *Odo*, Archbiſhop of the Church of our Saviour the Lord Jeſus Chriſt, Metropolitan of the City of *Canterbury*, to our Fellow-Biſhops, Compaginators of the Catholic Faith, with ſpiritual Charity mixt with rigor. [I wiſh] my Brethren Proſperity in things preſent, and Heavenly Beatitude. If it cou'd be, that the Riches of all the World now laid in our view, ſo as to be wholly ſubject to our Imperial Command, I wou'd willingly give them all away, and moreover ſpend my ſelf for the Salvation of your Souls; becauſe I deſire and hope to be corroborated by the Zeal of your

Holineſs, in the buſineſs wherein the Lord God hath appointed us to be Fellow-Labourers.

[He ſubjoins, ſays *Malmsbury*, many things, concerning the burden of the Pontificate.]

Therfore I humbly pray and exhort your Holineſs as one unworthy, yet much in earneſt, that you don't behave yourſelves with Lukewarmneſs and Negligence in the Regimen of Souls; leſt at the time of the Tremendous Vintage the Lord complain of you, ſaying, *Ezek.* xxxiv. 8. and again, *They became Princes and I knew it not*, [f] Hoſ. viii. 4. But rather let us take care to give Meat, a Portion of Wheat, that is approved Doctrine in due Seaſon to the Family of God, over which he hath appointed us Rectors: and tho' by Dint of Merit I preſume not to comfort, or exhort any Man, as being of myſelf unworthy, and guilty of innumerable Faults, I am pleaſed with, and want to be corroborated with your brotherly Admonitions; yet on account of the ancient Authority of my Predeceſſors, *viz.* *Auguſtin* of Bleſſed Memory, and other Holy Men, by whoſe Endeavours the Rule of Chriſtianity firſt appeared from This Archiepiſcopal See to the remoteſt Parts of the *Engliſh* [People] on this account I reſolved to draw up theſe Godly Rules, to the Profit of you all; that ſo our moſt Auguſt King [g] *Edmund*, excellent by Name, with all his People, may gladly follow what they hear in us, and from us, and that all Nations every where ſubject to his Royal Empire, may love and delight to imitate with Triumph the Glories of our unblemiſh'd Converſation.

[f] According to the Vulg. Lat.

[g] Eaƀ-munƀ ſignifies *Proſperity* and *Protection*. The Name is written *Ætmund* in the Preface of this Council: If this be not a Pſeudography, 'tis poſſible that it may be derived from Æahƀ and munƀ, then it denotes *a Protector of every thing that is valuable.*

But

But ther is little regard to be had to the Writings of this Age in the *Latin* Tongue, as to any thing that is critical or curious. *Ælfric*'s Complaint is very ſad, *viz.* That ther was not a Prieſt in *England* that could write, or conſtrue a *Latin* Letter, till *Dunſtan* and *Ethelwold* taught ſome Monks to do it. *Odo* was next but one Archbiſhop before *Dunſtan*; and tho' he was more than a Prieſt, and did actually write this, and other Letters in *Latin*, and drew up all the foregoing Canons, or Decrees; yet it is but too plain, that *Ælfric*'s Cenſure did fall in ſome meaſure upon *Odo* himſelf. He was commonly called *Odo the Good*; and if he did indeed deſerve that Epithet, this was a ſufficient Counterpoize to his other Defects. The moſt notable Fact related of him, by the Writer of his Life is, That he cauſed one of King *Edwy*'s Ladies of Pleaſure to be branded in the Face with a hot Iron, and baniſh'd her into *Ireland*; and afterwards hearing that ſhe was returned from Baniſhment, and landed at *Gloceſter*, he ſent his Men thither to apprehend her, who Houghed her, or cut her Hamſtrings, of which ſhe died. *Odo* hated Vice, but he was a *Dane* by Birth; and was probably never well cured of his natural Barbarity.

And this was ſingular in *Odo*, that he was nominated to the See of *Canterbury* before he had been a Monk; and he pleaded this in excuſe for his refuſing the Primacy, that none but *Benedictine* Monks had ever ſate in that Chair. But when great Importunity was uſed with him to accept the offer, he thus reconciled the Matter, *viz.* he declared he had long been a Monk in his own Mind, and now he was reſolved to ſend for a famous Abbot out of *France* to inveſt him with a Monk's Coul, tho' he had for a conſiderable time before been Biſhop of *Shirburn*; and being thus qualified, by having the Monks Habit put on him by a *French* Hand, he accepts the Archbiſhoprick.

A. D. DCCCCXLIIII *or thereabouts*

King EADMUND's Laws Eccleſiaſtical.

Sax. Sir H. S. Vol. 1. p. 419.

EAdmund the King aſſembled a great Synod at *London*, on the Holy Feaſt of *Eaſter*, both of Eccleſiaſtical and Secular Perſons. There were *Odo* and *Wulfſtan*, Archbiſhops, and many other Biſhops, conſulting for the good of their own Souls, and of thoſe who were ſubject to them.

1. The principal Point is, That Eccleſiaſtical Perſons ſhall inſtruct God's People by an exemplary Life; and that they, whether they be Men or [a] Women, preſerve the Chaſtity of their own Order. If they do not, let them [be thought to] deſerve what the Canon pronounces againſt them, *viz.* That they ſuffer the loſs of their worldly Poſſeſſions, and of lying in a Conſecrated Burying Place, unleſs they make Satisfaction.

[a] *viz.* Nuns.

2. We enjoin all Chriſtian Men the paying of Tithes, by virtue of their Chriſtian Profeſſion, as alſo their Church-Scot and [b] Alms-fee. Let them who will not do it be excommunicated.

[b] That is moſt probably Plough-Alms, mention'd in the ſixth Law of King *Alfred* and *Godrun*; and is ſaid to be an Offering made to the Church in proportion to the number of Plough-Lands which every Man had.

3. If

3. If one that is a King's [c] Man shed the Blood of a Christian, let him not come into the King's Presence, till he have betaken himself to Penance, according as the Bishop teaches, and the Confessor directs.

[c] That is, Tenant or Servant to the King.

4. Let him that defiles a Nun be [thought] unworthy of a Consecrated Burying-Place, unless he make the Satisfaction of a Manslayer. And we declare the same of Adultery.

5. And we pronounce, That every Bishop repair God's House in his own [See], and remind the King that all God's Churches be well provided; for which we have great occasion.

6. Let them that are guilty of Perjury, or of [d] Magical Medicines, be cast out from every Portion of God, unless they convert themselves to a just Satisfaction.

[d] See DCCCCXXV. third Law of King *Ethelstan*, and the Note there.

[*A. D.* DCCCCXLV.

King Eadmund *held another Council of Clergy and Laity, for the advancement of Christian Religion, the continuance of Concord, and the extinguishing of Feuds of his Subjects among themselves, as he expresses it. For the attainment of this last end, he forbids the Relations of the Murderer to support him, till they have first paid the Satisfaction due for the Murder. Those of the five Laws that were now made, which did more nearly concern the Church, do here follow.*

1. If any Man betake himself to the Church, or 2.
to my Place of Residence, and a Man pursue him

thither, then he is an Enemy to the King, and to all his Friends, and let him forfeit all that he hath.

3. 2. My Will is, That no Mulct for Fighting, nor Satisfaction for Murder be forgiven.

4. 3. And I declare my Will to be, That no one who has ſhed Mens Blood have Protection in my Family, till he have undertaken to make Satisfaction to God, and the Kindred [of the ſlain Perſon] and ſubmit to every Right, as the Biſhop of the Shire directs.

A. D. DCCCCXLVI.

Ancient Forms of Eſpouſals.

To theſe are immediately ſubjoin'd, the Manner of Eſpouſals, and of Lay-mens Betrothing.

Sax. Sir H. S. Vol. I. p. 425. 1. If a Man will marry a Maid or [a]Woman, and ſhe and her Friends ſo pleaſe, [b] then it is fit that the Bridegroom, according to God's Law, and to common [c] Decency, do firſt Covenant and Promiſe with him that acts for her, That he deſires to have her on condition to retain her according to the Divine Right, as a Man ought to retain his Wife: And let his Friend give caution for That.

2. Then let it be known, who is bound to maintain [them], and let the Bridegroom promiſe this, and afterward his Friend.

[a] Be ꝑꝛemonner bepeꝺbunȝe is the Title in the *Text Roff.* ſays Mr. *Somner*, from whom I have the other Corrections from the *T. R.*

[b] ꝑonne not ꝺon.

[c] ȝeꝑꝛynum, not ȝeꝑ— *T. R.*

3. Let

3. Let the Bridegroom declare with what he endows her, on Condition that ſhe chuſe [to comply to] his Will.

4. And with what he endows her, [d] if ſhe outlive him. If it be ſo agreed, [e] it is juſt that ſhe [f] have right to half his Eſtate, and all, if ther be a Child between them, unleſs ſhe marry another Husband.

[d] The *Saxon* Copy puts theſe foregoing words of the fourth Clauſe to the end of the third; but the *Latin* here ſets us right. By this it appears, that ther was a double Endowment, one given in hand before the Marriage, the other promiſed, in caſe the Woman ſurvived.

[e] I put the Comma after bi̇þ.

[f] healfer oþfer-þýnþe. *T. R.*

5. Let him finiſh all with a Pledge of his Promiſe, and let his Friend be Surety for it.

6. If they are agreed as to all the Particulars, then let the Kindred take their Kinſwoman, and wed her to him that woo'd her, for a Wife, and an honeſt Life: And let him that was principal in making the Match take Surety to this purpoſe.

7. If they will carry [her] out of [her] Land, into the Land of another Thane, then her [g] expedient is, that [the Bridegroom's] Friends give Security that no hurt be done to her; and that, if ſhe incur any Forfeiture, they are capable to perform the part of Kindred in making Satisfaction; [h] if ſhe hath not wherewithal to do it herſelf.

[g] For þæð read þæð, ſo the *Latin Conſiliúm.* And this ſeems to be Mr. *S*'s Opinion.

[h] By this it ſhou'd ſeem that the Wife had the Property of her own Eſtate during Coverture.

8. The Maſs-Prieſt ſhall be at the Marriage, who ſhall, according to Right, celebrate their coming together, with God's Bleſſing, with all Solemnity.

9. It

9. It is good to take care that it be known, that they be not [i] afar off related; leſt they be again ſeparated, who were at firſt wrongfully put together.

[i] ȝelænȝe *T. R.* not ȝleæn ——

Laws of the *Northumbrian* Prieſts.

PREFACE.

A. D. DCCCCL.

OR thereabouts I conceive theſe following Laws were made. Whoever attentively reads them muſt be ſenſible, that they were enacted by a Temporal, as well as Eccleſiaſtical Authority. The Reaſon why the Name of the King, in whoſe Reign they were made is not prefixt to them is, that he was probably a Dane; therfore the Tranſcribers in the following Ages of King Edgar, *and his Succeſſors thought fit to leave out the Preface, leſt the Name of the King ſhould ſeem a Blemiſh to the Laws themſelves.* Anlaf *was ſole Monarch of the* Northumbrians *from the Year 949 to 952; and during this Interval of Time I conceive theſe Laws were made. For,*

1. *It is not probable, that a Body of Laws with civil Penalties would have been made for the* Northumbrians *only, if their Country had not been a Diſtinct Kingdom at the Time of making them.* Edgar, *and his Succeſſors made Laws for all* England, *not for particular Provinces.*

2. *This*

2. *This Body of Laws seems to have been compiled, under a* Danish *King, because they so often inflict the known* Danish *Penalty call'd* Lahrliht, *which I always turn a* Fine: *and the Ore so often mention'd was* Danish *Money.*

3. *I judge it utterly incredible, that they should have been made, while* Oswald *was Archbishop of* York, *as Sir* H. S. *supposes: for then every Page of them would have breathed Threatnings, and Damnation against the married Clergy; whereas these Laws seem rather to countenance the Marriage of the Clergy by saying nothing against it, when the Practice was so rife. And yet it is certain, they had the Marriage of the Clergy under Consideration, from the* 35th *Law.* Wulfstan *was Archbishop of* York, *while* Anlaf *reigned: and it is very probable, that he might join with King* Anlaf *in making these Laws; for he was a Favourer of the* Danes, *at least was severely treated on Suspicion of it by King* Edred *after he had reduced* Northumberland. (*I mean not* Wulfstan *called* the Reprobate, *but him that was before* Oskytel.)

The last of these Laws does indeed contain a Declaration for one Monarchy over the whole Nation, *but I am apt to think, they meant the Nation of the* Northumbrians *only, which was govern'd by two Kings* Anlaf *and* Regenold, *but five or six Years before. See Sax. Chron.*

These Laws stand before those of Edgar *in the* MS. *of* CCCC S 18, *tho' Sir* H. S. *have placed them after.*

A. D. DCCCCL.

1. IF any Wrong be offered to a Priest, let all his [a] Mates, with the help of the Bishop, be very zealous for Satisfaction: Let them be, as it *Sax.*

[a] The practice of entring into Gilds, or Fraternities, has already been mentioned: Those who thus combined together are here call'd ȝeferna, which I turn *Mates.*

it were, *one Heart and one Soul*, as it is written, in every thing that is right.

2. And we forbid, what God has forbidden, that any Prieſt ſerve, or take the Church that belongs to another; except any one, by ſome Capital Crime, have made himſelf uncapable of miniſtring at the Altar for the future. If any Prieſt do it in any other caſe, let him forfeit his Dignity, and the Friendſhip of his Mates; and let him no where celebrate Maſs, till the Rightful Poſſeſſor has it. And let him that did the Wrong pay twenty [b] Ore to the Biſhop, twelve Ore to the Prieſt whom he removed from his Church, twelve Ore to all his Mates: And let him alſo forfeit the Money, if he unrighteouſly gave any, for the other Prieſt's Church. [c] And let every Prieſt find twelve Bondſmen, for rightly obſerving the Prieſt's Law.

[b] The Ore is generally ſaid to be an Ounce of Silver: But then ſometimes ther are ſaid to be but twelve in a Pound, and then the Ore conſiſted of twenty Pence; at other times ther are ſaid to be fifteen Ore in a Pound, then the Ore was ſixteen Pence.

[c] Thus our Northern Politicians were reducing the Church into the ſame form of Government with the State.

3. And if one Prieſt commit a Crime, and he celebrate Maſs contrary to the Biſhop's Injunction, let him pay twenty Ore for [breaking] the Injunction, and pay Satisfaction for the Crime, whatever it was, over and above.

4. If a Prieſt tranſgreſs any publick Edict of the Biſhop, let him pay twenty Ore.

5. If a Prieſt [d] lay a Cauſe before Laymen, which he ſhou'd [lay] before Eccleſiaſticks, let him pay twelve Ore.

[d] See Can. 7. of King *Edgar*, *A. D.* 960. and particularly obſerve the uſe of the word Sceoꝺ and Sceoꝺan

in

in both places. The Temporal and Eccleſiaſtical Judicatures were diſtinct in *Northumberland.* See *Ecgbriht's* Dialogue Anſw. 10. *Somner* countenances this.

6. If a Prieſt tranſgreſs the Archdeacon's Edict, let him pay twelve Ore.

7. If a Prieſt be guilty, and celebrate Maſs contrary to the Archdeacon's Injunctions, let him pay twelve Ore.

8. If a Prieſt refuſe [to adminiſter] Baptiſm, or Shrift, let him make Satisfaction with twelve Ore; and eſpecially let him diligently compound it with God.

9. If a Prieſt do not fetch the [e] Chriſm at the proper Seaſon, let him pay twelve Ore.

[e] The Unction conſecrated by the Biſhop in Paſſion-Week; for the uſe of Baptiſm, and of the Sick.

10. Let every Child be baptized in good time, within nine Nights, under the Penalty of ſix Ore: And if the Child die an Heathen, within nine Nights, let Satisfaction be made in reſpect to God, without any worldly Mulct, if it happen [to die] after nine Nights, let Satisfaction be made in reſpect to God, and let twelve Ore be paid for [f] the Contumacy, becauſe he was a Heathen ſo long.

[f] No word ſeems capable of more Significations; all which agree well enough to this place. heopð may ſignify the Paſtor as well as the People; it may be taken as hopð, then it ſignifies the Stock, or Treaſure of the Church: It may be meant as heanð, and then it aſſigns the cauſe of the Penalty, *viz.* the *Obſtinacy* of the Offender. Mr. *Somner* inclines to this laſt, whom I follow. Sir *H. S.* underſtands as if it ſignified the Herd, Flock, or People of the Pariſh.

11. If the Prieſt miſinform the People, in relation to a Feſtival, or Faſting-day, let him make Satisfaction to God, and pay twelve Ore.

12. If

12. If a Priest unrighteously obtain Orders out of his Shire, let him pay twelve Ore, and a Deacon six: And let them forfeit their Orders, unless the Bishop of the Shire indulge them, as to this last Point.

13. If a Priest celebrate Mass in an unhallow'd House, let him pay twelve Ore.

14. If a Priest celebrate Mass without an hallow'd Altar, let him pay twelve Ore.

15. If a Priest consecrate the Housel in a wooden Chalice [let him pay] twelve Ore.

16. If a Priest celebrate Mass without Wine, let him pay twelve Ore.

17. If the Priest be careless of the [g] Housel, let him pay twelve Ore.

[g] This must be understood of the Sacrament reserved for Sick Folk.

18. If a Priest celebrate Mass more than thrice a day, let him pay twelve Ore.

19. If a Man violate the Protection of the Church, let him make Satisfaction according to the [h] quality of the Church, and the Privilege of Protection which belongs to it.

[h] *Qualitatem. Somn.*

20. If Merchandize be made of a Church, let Satisfaction be made by Fine.

21. If a Church be brought into [i] Servitude, let Satisfaction be made by Fine.

[i] That is, if it have Pensions, or Secular Services imposed on it, such as great Lords laid on those who held Lands of them.

22. If a Priest be unrighteously turned out of a Church, let Satisfaction be made by Fine.

23. If one wound a Priest, let him satisfy for the [k] Cure, and pay for a Satisfaction to the Altar, on

[k] *Pynola* is so turn'd by Sir *H. S.* conjecturally.

on account of his Orders, twelve Ore: For a Deacon, twelve Ore, as a Satisfaction to the Altar.

24. If a Man ſlay a Prieſt, let him pay the full Were, and [1] twenty four Ores to the Biſhop, as a Satisfaction to the Altar: For a Deacon twelve Ore, as a Satisfaction to the Altar.

[1] Twenty four Ore, according to the common Computation, was but ſo many Ounces, which makes but two Pounds. In *Ecgbriht*'s Time, the murder of a Prieſt was more than three times as much, yet that was 200 Years before this. *See Ecgbr. Dial.* 734. *Anſw.* 12. Shall we ſay that the value of Money was raiſed in the North ſince that time, by reaſon of its ſcarcity, thro' the violent Inroads of the *Danes*. *See Can.* 18, 19. 964. Or ſhall we ſay, That the former Penalty was laid by an Eccleſiaſtical Authority, this by a Secular? Or that the Nation being more civiliz'd, Murthers were not ſo riſe as of old, and that therfore ſuch ſevere Penalties were not neceſſary?

25. If a Prieſt do any Diſhonour to the Church, [m] from which all his Honour ſhou'd ariſe, let him make Satisfaction for it.

[m] *De quâ omnis honor ejus proceſſerit.* Somner.

26. If a Prieſt lodge any unſeemly thing in a Church, let him make Satisfaction.

27. If a Prieſt alienate any thing from the Church, let him make Satisfaction.

28. If a Prieſt wilfully relinquiſh the Church, to which he was ordained, let him make Satisfaction.

29. If one Prieſt deſpiſe or [a] vilify another, either in Word or Deed, let him make Satisfaction.

[a] beſmiþiȝe. *Somn.*

30. If one Prieſt aſſault another, let him make Satisfaction to him, and to the Biſhop.

31. If one Prieſt aſſiſt another in an unrighteous [Cauſe] let him make Satisfaction.

32. If

32. If one Prieſt refuſe aſſiſtance to another in an righteous Cauſe, let him make Satisfaction.

33. If one Prieſt do not warn another of what he knows will be to his damage, let him make Satisfaction.

34. If a Prieſt neglect the ſhaving of his Beard, or Hair, let him make Satisfaction.

35. If a Prieſt diſmiſs one [b] Wife and take another, let him be Anathema.

[b] cpena had certainly an honeſt ſignification among our *Saxon* Forefathers. It denoted the Wife of a Great Man, or even of a King, as well as of an Inferior Man. hop-cpæna was the word, whereby they denoted a Whore. From hence I am inclined to think, that the *Northumbrian* Prieſts were allow'd Wives, when this Law was made. Had *Oſwald* been then Archbiſhop, the Prieſts had been abſolutely forbid Wives, under the hardeſt Penalties. Therfore theſe Laws ſeem to have been made, while *Oſkytel*, or *Wulfſtan* were in the See. *Uxorem Somn.*

36. If a Prieſt do not timely ring, and ſing the Hours, let them make Satisfaction.

37. If a Prieſt come arm'd into the Church, let him make Satisfaction.

38. If a Prieſt do not [c] obſerve the yearly Order in the Church-Services, by Day, or by Night, let him make Satisfaction.

[c] *Ordine non ſervato abſolverit.*

39. If a Prieſt do not regularly miniſter Ordeal, let him make Satisfaction.

40. If a Prieſt conceal his [d] Tonſure in his Travels, let him make Satisfaction.

[d] That is the ſhaved Circle on the Crown of his Head. I read ꝑað as the Text ſtands, not ꝟꝑað, as Sir *H. S.* in Margin.

41. If

41. If a Prieſt indulge Drunkenneſs, or be a Muſician, or [c] a common Rhymer, let him make Satisfaction.

[c] See Can. of King *Edgar* 58. ðcop is the ordinary word for a Poet or Verſifier. Eal an uſual initiatory Particle. *Somn. Cereviſiarius.*

42. If a Prieſt conceal one among many in his Diſtrict, to the injury of Diſcipline, let him make Satisfaction.

43. If a Prieſt omit to give notice of any annual [f] Right, let him make Satisfaction.

[f] That is, Peter-Pence, Church-Scot, Plough-Alms, Tithes, *&c.*

44. If a Prieſt decline the Synod, let him make Satisfaction.

45. If a Prieſt have not ſubmitted to Right, but withſtand the Sentence of the Biſhop, let him make Satisfaction for it: let him either be ſeparated from Clerical Communion; or forfeit [the benefit of] his [f] Fraternity, and all his Dignity, unleſs he ſubmit, and make deep Satisfaction.

[f] This muſt, I conceive, be underſtood of thoſe voluntary Gilds, or Fraternities into which Clergymen and Laymen of all Ranks, entred, for their mutual aſſiſtance and benefit; and into which the *Northumbrian* Clergy are ſuppoſed to be combined in the two firſt of theſe Laws.

46. If any one [g] be in contempt of the Law of God, or of the Country, let him make earneſt Satisfaction.

[g] *Perverterit aut violaverit, Somn.* This Law is repeated again *No.* 55.

47. We ſhould all honour and love One God, and diligently obſerve One Chriſtianity, and wholly

abandon all Heatheniſm. If any Man be diſcover'd to practiſe any Heatheniſm for the future, either by Lots, or [i] Firebrands, or affect Idolatry on the Account of Witchcraft: If he be a King's Thane, let him pay nine Marks and an half, half to Chriſt, half to the King: If he be a Landed Man of any other ſort, let him pay five Marks and an half, half to Chriſt, half to the Landlord. If he be a [k] common Man, let him pay twelve Ore. If the King's Thane deny it, let twelve be named to him, let him take twelve of his Kindred, and a [l] complement of twelve [m] of any ſort, and if he be caſt, let him pay a Fine of nine Marks and an half. If the Landed-Man deny it, let as large a complement of his Equals be named to him, as to the King's Thane: if he be caſt, let him pay a Fine of nine Mark and [a] an half. If the common Man deny it, let as large a complement of his Equals be named to him, as to the other: if he be caſt, let him pay a Fine of twelve Ore.

[i] So Sir *H. S.* by conjecture turns ꝼiꝑhꝛe.

[k] *Sax.* ꝼæꝑbena. *Somn.* ſeems to think it the ſame with ꝼꝛiþ-bena, for he refers to 1009. 25.

[l] Ꝼence, or Ꝼent, being thrice repeated in this Law and always, ſo far as appears, in the ſame ſenſe, I conceive ther can be no wide miſtake in the meaning of it.

[m] None of our great *Saxon* Maſters have, ſo far as I can find, given their Opinion of the word Ꝼallep here uſed: I venture to read Ꝼalhꝑæꝑ *Vulgo*, *Paſſim*, *Undecunque*, till ſome better Light be offer'd to this dark Word.

[a] Mr. *Somner* has here corrected Sir *H. S.* in relation to the denomination of the Sums.

48. If ther be a [b] Frith-Year in any ones Land, about

[b] This was ſome Heathen Feaſt, or Jubilee, as Mr. *Somner* calls it, the Memory of which appears not elſewhere.

about a Stone, or a Tree, or any Trifle of this ſort, then let him that made it pay a Fine, half to Chriſt, half to the Landlord: And if the Landlord will not aſſiſt in executing the Law, then let Chriſt and the King have the Satisfaction.

49. We forbid all Traffick in any Place, and County-Courts, and all manner of Work, and all Carriage either by Waggon, or Horſe, or [b] Porters on the *Sunday*: Let him that do's any of theſe pay a Mulct, the Freeman twelve Ore, the Slave his Hide; except the Wayfaring Man, who muſt of neceſſity go their appointed Stage. And upon occaſion of War a Man may travel on the Eve of the Feaſt, in caſe of neceſſity, between *York* and ſix Miles diſtance.

[b] The *Saxon* byŋþen ſignifies not as the *Engliſh*, *Burden*, but as the Servant, or hired Man that carries it. See *Hick. Sax. Gram. p.* 152.

50. Let him that violates a Feaſt, or appointed Faſt, pay a Mulct of twelve Ore.

51. And we will have every *Rome-Peny* paid by *Peter's-Maſs*, at the Biſhop's See; and that two truſty Thanes, and one Maſs-Prieſt, be named in every Wapentake to collect, and pay it again in ſuch a manner as that they may dare to give their Oath to it. If a King's Thane, or any Landlord, withhold it, let him pay nine Mark and an half, half to Chriſt, half to the King. If any [c] Tenant ſhift it off, or with-hold it, let the Landlord pay the Peny, and take an Ox from him: And if the Landlord neglect this, let Chriſt and the King take twelve Ore for full ſatisfaction. If any withhold his Tithes, and he be a King's Thane, let

[c] Tune, or Ton, often ſignifies what we now call a Farm, or parcel of Land, therfore I turn Tuneſ-man, Tenant.

him pay nine Marks and an half; if a Landed Man, five Marks and an half; if a common Man twelve Ore.

52. And we forbid, by a Divine Prohibition, that a Man have more Wives than one; and let her be rightly wedded and given [by her Parents]; and that no Man take a Wife that is related to him, within [d] the fourth Degree; nor let him marry any ſpiritual Relation: And if any one do it, let him want God's Mercy, except he deſiſt, and make Satisfaction, as the Biſhop directs: If he die in his unrighteous [Marriage] let him forfeit holy Sepulture, and God's Mercy.

[d] It is evident that Marriage, among the *Northumbrians*, was not laid under ſuch Difficulties, as in other Places in this Age.

53. If a Man lie with a Nun, let each of them, both he and ſhe, be liable to a Were: And if they die in their [Sin] without deſiſting, let them forfeit Holy Sepulture, and God's Mercy.

54. If any Man diſmiſs his lawful Wife [while ſhe is] living, and marry another, let him want God's Mercy, unleſs he make Satisfaction for it; but let every one retain his lawful Wife ſo long as ſhe lives, unleſs they both [a] chuſe to be ſeparated by the Biſhop's Conſent, and are willing to preſerve their Chaſtity for the future.

[e] I read ȝeccoſ— not ȝeƀ—

55. If any one for the future be in contempt of Right Law, let him diligently make Satisfaction for it.

56. We ought all to love and worſhip the One God, and zealouſly to obſerve the one Chriſtianity, and wholly to abandon all Heatheniſm: And our Will

Will is, that [f] Land-cheap, and [g] Lah-cheap, and [h] Wit-word, and True-Testimony, and Right-Doom, and [i] Tulloc, and Trum-tale, and [k] Drink-lean, and [l] Landlords rightful-gift be firmly maintain'd; and especially one Christianity, and one Monarchy in the Nation for ever.

f g h i k l These Terms are scarce elsewhere to be met with, and therfore no wonder if we know not their meaning. Mr. *Somner* has attempted an Explication of some of them in his *Glossary*, but not with such success as he had in some Points, which yet seem'd more difficult.

Let the Name of God be blessed from henceforth and for ever.

A. D. DCCCCLVII.

Elfric's Canons.

PREFACE.

THer is no Engliſh Name before the Conqueſt, nor for ſome Ages after, that has more Books, eſpecially Tranſlations aſcribed to it, than that of Elfric. *It is generally agreed, that they are all the Work of one Man, ſurnamed* The Grammarian, *on account of his having written a Grammar for the* Latin *Tongue: And the ſame Man is commonly thought to be that* Elfric, *who was advanced to ths See of* Canterbury *in the Year 995, and who died* 1005. *But Sir* H. S. *was rather inclined to think, that* Elfric, *who was Archbiſhop of* York, *from the Year* 1023 *to* 1053, *drew the following Canons, and that the* Wulfin, *to whom they are directed, was he that was Biſhop of* Dorcheſter; *yet he doubts, whether the laſt had entered on his See before the other was dead. And farther, it cannot in reaſon be thought, that the* Elfric *who wrote the following Letter and Canons, was at the time of writing them, ſuperior to that* Wulfin *for whoſe uſe they were drawn; but rather the contrary, as theſe words in the front do plainly imply,* viz. We have readily obeyed your Commands; *in Latin,* Obtemperavimus juſſioni tuæ libenti animo. *I ſhou'd rather think, that the* Wulfin *who was made Biſhop of* Shirburn 940, *or* 941, *and died ſo,* 958, *was he to whom* Elfric *writes: He was indeed only a Prieſt, and a private Monk, and not above* 32 *Years old (unleſs you will ſuppoſe him to have been above* 80 *at the time of his Death,* viz. *in*

the

the Year 1005): *but he was the prodigy of his Age, and sufficiently qualified to compose the following Canons, especially if we will allow him the assistance of his Master* Ethelwold, *Abbot of* Abbindon, *under whom he was now Studying. Nor are we to wonder, that he calls* Wulfin *the Bishop,* Brother; *for this latter had been Monk under* Dunstan *at* Glastonbury, *before he was Bishop, and the Relation of Monks was then esteem'd indelible,* Alcuin, *tho' but an Abbot, as* Ælfric *probably now was, calls Abp.* Eanbald *his* dear Son, *in a Letter written to him, and preserv'd in the MS. of* CCCC, *from which the Excerptions commonly ascribed to* Ecgbriht *were transcribed, and of which I have so often made mention in my Notes on them. When I suppose him to be thirty two Years old, I do it on presumption, that he drew these Canons in the Year* 957, *when* Wulfin *was probably too old to compose a Work of this nature; and therfore was forced to ask the assistance of* Elfric; *and we may fairly conclude, that he was under the Infirmities of Age, if we consider that he had been Bishop about seventeen Years, and did not outlive the Year* 958. *If these Canons were composed in the Year* 957 *we must own they were well timed: For they begin with a condemnation of the married Clergy, which was very seasonable, when* Dunstan *was now recall'd from Banishment by King* Eadgar, *who this Year, by the Death of* Edwy, *became sole Monarch of* England. *For it is well known, that these two Great Men imploy'd their Zeal chiefly against the Marriage of the Clergy, and in ejecting the Secular Canons out of the Monasteries, which they took possession of in the time of Abp.* Ceolnoth. Elfric *was a Man of the same Spirit, as he shewed not only by his Writings, but by his finishing the Reformation (if I may so call it) begun by* Dunstan *in the Church of* Canterbury. *It seems probable that King* Edwy, *who always countenanced the Seculars, and the married Clergy, had, while* Siricius *was Archbishop, reversed, in some measure at least, what had*

been done by Dunſtan *in this reſpect. But when* Elfric *was promoted to the See of* Canterbury *he gave the finiſhing Stroke by expelling the Seculars, and ſettling Monks in that Church.*

About thirty Years ſince a very Learned Man wrote a Diſcourſe, De duobus Ælfricis, *in which he undertakes to prove, That* Elfric the Grammarian, *and great Writer, was he that was Archbiſhop of* York, *from the Year* 1023 *to the Year* 1053. *I find Learned Men not ſatisfied with his Arguments; and eſpecially becauſe his capital Argument is founded on a very groſs Miſtake, which he received by Tradition from other Learned Men, who had miſread* Ælfric *for* Ælfred *in the Inſcription of a Manuſcript Copy of the* Chronicon Saxonicum *in* CCCC: *by which Miſtake he makes the* Grammarian *but Eleven Years old in the Year* 963, *of which ſee Mr.* Wanley *in his Preface to his Catalogue. Yet ther is one thing in the Treatiſe,* De duobus Ælfricis, *which promiſes us ſome Light in this dark Point, I mean, the diſcovery of a* Wulfin *that was Biſhop of* Shirburn *from the Year* 980 *to the Year* 998: *And it is to be obſerved, that* Elfric *was in the Year* 994 *Biſhop of* Wilton; *and if theſe Canons were ſent during the ſhort time that he was Biſhop there, he might juſtly ſtile himſelf* Wulfin's *Brother; or if they were ſent on any Year between* 980 *and* 994, *the freedom which he uſes with* Wulfin *may be better juſtified, and his Age did the better qualify him to perform ſuch a Work. If indeed, as the Author of that Treatiſe would have it, theſe Canons were tranſlated from* Latin *into* Saxonic, *when* Elfric *was ſent by* Alphage *Biſhop of* Winton *to regulate the new-built Monaſtry of* Cernell (*which he places in the Year* 987) *then they muſt not only have been formed, but tranſlated before* Elfric *was Biſhop of* Wilton. *But the Letter to* Wulfin *expreſly ſays that theſe Canons were firſt drawn in* Saxonic, *which he there calls the* Engliſh *Tongue, when therfore* Elfric *in his Preface to his*

Book

Book of Sermons, to which these Canons are annext, says, that he translated this Book *at that Time, he must be understood of such Parts of the Book as were before in* Latin: *and perhaps these Canons were then no Part of that Book, but were afterwards added by Transcribers. Therfore the Decision of this Point at last turns upon the Credit of the Authors. The Evidences for the first Scheme are* Florentius Wigornienſis, & Matthæus Florilegus. *Mr.* Wharton's *Evidence is from* John Fleke *a Transcriber of* Sulcard, *a* Monk *of* Weſtminſter; *these will scarce cast the Scales against the other two: The Author of the Treatise* De duobus Alfr. *says; ther are many Charters to which* Wulfin *Bishop of* Wilton *was Witness, and subscribed as such, between the Years* 980, *and* 998. *But Charters are suspected things, and as we cannot condemn them, so neither can we accept them for Evidence unsight, and unseen; therfore, in fine, I prefer the first Account (with Submission to better Judgments) and shall therfore date them* 957.

Tho' this Composition pass under the Title of Elfric's *Canons; and I have hitherto comply'd with that common Way of speaking; yet I must here take leave to intimate my Opinion, that it is rather to be called a* Charge *from the Bishop to the Clergy. I am sensible, the Diocesan Canons were little else than the Injunctions of Bishops to the Clergy of their Dioceses; but then these Injunctions were formally read by some Clerk, and agreed to by the Applause, or at least by the Silence of the Priests. But the whole of what is contain'd in the following Articles is expreſt by Way of positive Command by the Bishop without any mention of a Synod's Consent: and it would probably have been impossible for any Bishop to have procured even the tacit Consent of his Clergy to what is here said against their Marriage: and indeed Synods, and Chapters of all Sorts were very rare by Reason of the* Danes *perpetual Invasions in this Age; and I am therfore persuaded, that*

that this Charge was to be deliver'd to the Clergy at their fetching the Chrism, and Holy Oils *from the Bishop in* Passion-week. *It is evident, that the Assument which I have added from the* M. S. *in* CCCC *was intended purely for this Occasion; and I see no Cause to question, but that That was designed as a piece of the foregoing Charge. In truth, the Letter of* Elfric *to* Wulfin *intimates as much.* We write (*says* Elfric) the following Part of the Epistle in English, and in such a Manner, as if you yourself dictated it with your own Mouth: *Therfore the whole seems to have been an Epistle sent to every Priest together with the Chrism. It may justly be supposed that the Generality of the Priests, especially they who lived remote from the Cathedral, could not come personally to fetch it, but sent some Clerk to bring it; and the Letter was deliver'd to the Messenger, together with the Cruises of Chrism and Oils: they who lived near to the Bishop's Church might come in a Body and receive the Charge from the Bishop's Mouth; the rest could not be spared from their Churches at that solemn Season.*

As Elfric's *Homilies were publickly read in Churches, so it seems probable, that his Charge was a common Form for all Bishops that had it by them, with some little Variations, as the occasion required, which shews the reason of the difference of Copies. It was first composed for the Bishop of one Diocese; but it seems to have been a National Form; I mean, used by Bishops of both Provinces.*

A. D. DCCCCLVII.

Lat. *Elfric*, an humble Brother to the venerable Bishop *Wulfins*, Health in the Lord. We have readily obey'd your Command; but have not presumed to write any thing concerning the Episcopal Office; because it is your Part to know how to be an Example to all, by an excellent Behaviour, and by

by your continual Admonitions to perſwade your Subjects to be ſaved : Which things I ſpeak in *Chriſt Jeſus*, becauſe ye ought often to confer with your Clergy, and to reprove their Negligence ; for thro' their Perverſeneſs, the Canonical Decrees, and the Doctrine of the Church are in effect aboliſh'd : Therfore deliver your own Soul, and inform them what they are to obſerve, as they are Prieſts and Miniſters of Chriſt, leſt you periſh with them, if you become a *dumb Dog*. We write the following part of the Epiſtle in *Engliſh*, and in ſuch a manner, as if you yourſelf dictated it with your own Mouth, and ſaid to your Subjects of the Clergy.

1. I tell you, Prieſts, That I will not bear your neglects of your Miniſtry. And I tell you in good ſooth, how the matter ſtands with Prieſts : Chriſt [a] eſtabliſhed Chriſtianity and Chaſtity ; and all that went with him in his way, forſook every worldly thing, and the company of their Wives : therfore He himſelf ſaid in his Goſpel, *He that hateth not his Wife is not a Miniſter worthy of me.* *Sax.*

[a] So *Somn.*

2. After Chriſt's aſcending up again to the Kingdom of Heaven, and the death of the venerable Apoſtles, ther was ſuch a Perſecution raiſed thro'out the World, that no Synod of God's Servants could be aſſembled, by reaſon of the Heathen [b] Murderers, who earneſtly ſought their Death, till *Conſtantine* the Emperor, who had all the World under his Government, ſubmitted to Chriſtianity.

[b] Perſecutors. *Somn.*

3. Then he aſſembled a Synod at the City of *Nice*, of 318 Biſhops of all Nations, for the ſettling of the Faith : ther were many [c] famous Biſhops, that

[c] *Multi præclari.* Somn.

that wrought many mighty Wonders at the Synod: and they excommunicated *Arius* the Maſs-Prieſt, becauſe he would not believe, that the Son of the Living God was ſo Mighty as his Great Father is; therfore they all condemned this Man of the Devil, but he wou'd not deſiſt, till he ſaw all his Entrails [guſh] out together, when he went to the Houſe of Office.

4. By this Synod the Liturgy of the Church was eſtabliſh'd, and the Maſs-creed, and many other things concerning the Worſhip, and the Servants of God.

5. They all decreed, with an unanimous Reſolve, That neither Maſs-Prieſt, Deacon, nor Canon-Regular ſhould retain any Woman in his Houſe, except, Mother, or Siſter, or Aunt, by Father, or Mother; and that he who did otherwiſe ſhould forfeit his Order. This ſeems ſtrange to you to hear: [d] for ye have ſo brought your wretched doings into faſhion, as if ther were no danger in a Prieſts living like a married Man. Now ye ſay, ye cannot be without the attendance of a Woman: How then could thoſe Holy Men [e] dwell without a Woman? And they have now the Reward of their Purity of Heart, in Life eternal without end. The Prieſts now reply, That *Peter* had a Wife: They ſay what is very true; for ſo he might under the Old Law, before he ſubmitted to Chriſt; but he left his Wife, and every worldly thing, after he had ſubmitted to Chriſt, who inſtituted Chaſtity.

[d] CCC MS. L. 12.
ꝼoꝛ ꝥan ꝥe ge habbaꝥ eoꝛꝛe ynmꝺe ꝛꝛa on ꝿeꝛunan ꝿebꝛohꝳ, ꝛꝛylc hyꝳ nan ꝥleoh ne ꝛẏ, &c. as in Sir *H. S.* Mr. *Somner* had ſo corrected this Text, and ſo renders it as I have done, ſave that he turns ẏnmꝺe *calamitatem*.

[e] ꝼunꝺan not ꝼum—

7. The

7. The Biſhop, under the Old Law, might marry an uncorrupted Maid, and might uſe her at ſet times, becauſe one only Family could be of that Order, and that always: Nor could one be [f] choſen out of any other Stock. And he muſt marry [g] but once, and then not a Widow, or divorced Wife, but a Maid, as we ſaid before. And they [h] might well have a Wife in thoſe Days: for then they never celebrated Maſs, nor Houſel'd Men, but offered Beaſts, after the ancient manner, till Chriſt hallowed Houſel before his Paſſion, and inſtituted the Maſs; which is ſtill in force thro' him.

[f] Sir *H. S.* beꝛceoꝛ, which I took to ſignify *choſen*, deleting the firſt ꝛ. But the CCC MS. has Biꝛceop.

[g] This Particular do's not appear by the Sacred Text, *Lev.* xxi. 13, 14.

[h] For nabban read habban, and dele ꝑe CCC MS.

8. It was alſo decreed in [i] the ſame Synod, That he who marries a Widow, or divorced Wife; or he that [married] a ſecond time, be never admitted afterwards to any Order, nor hallowed to Prieſt: but that he be choſen to the Holy Order, that has but one Wife, and her uncorrupted, as the Apoſtle [k] *Paul* wrote in his Epiſtle.

[i] on ꝑam ylcan is ſuperfluouſly repeated.

[k] The Apoſtle teacheth that a Biſhop ſhou'd be a Huſband of one Wife, that this Wife ſhou'd be an uncorrupted Maid he ſaith not, 1 *Tim.* iii. 2.

9. Nor may any Prieſt be at a Wedding, where either the Man or Woman is married a ſecond time, nor bleſs their Conjunction: Let ſuch an one be ſo marked, as that it had been better for him to have

[l] ꝛꝛa ꝑ him ſelꝛe pæn ꝑ hi ꝑunoꝺon on clænnyꝛꝛe. Se leꝛeꝺa moꝺ ꝛꝛa ꝑeah be ꝑæꝛ Apoꝛꝺoleꝛ læꝛ oꝺꝛe ꝛiꝺe ꝛiꝛigan. ȝyꝛ hiꝛ ꝛiꝛe him æꝺ ꝓylꝺ. Thus Sir *H. S.*'s Copy is ſupply'd by the CCC MS. L. 12.

have continued in Chaſtity: Yet the Layman may, by the Apoſtles's permiſſion, marry a ſecond time, if his Wife fail him. But the Canons forbid a Bleſſing to it, and appoint a Satisfaction [to be made] by ſuch Men.

10. Ther are ſeven Orders appointed in the Church: The firſt is Oſtiary, the ſecond Lector, the third Exorciſt, the fourth Acolyth, the fifth Subdeacon, the ſixth Deacon, the ſeventh Presbyter.

11. The Oſtiary is Keeper of the Church-Doors, who is to notify the Time with the Bells, and to unlock the Church to Believers, and to lock out the Unbelievers.

12. The Lector is to read in God's Church, and is ordain'd to publiſh God's Word.

13. The Exorciſt is, in plain *Engliſh*, he that with Invocations adjures Malignant Spirits, that delight in vexing Men, thro' the Almighty Name, to depart from them.

14. He is called the Acolyth, who holds the Candle, or Taper, at the Divine Miniſtration, when the Goſpel is read, or the Houſel hallowed at the Altar, not as if he were to drive away the obſcure darkneſs; but to ſignify Bliſs by that Light, to the honour of Chriſt, who is our Light.

15. Subdeacon is plainly the Under-Deacon, he that brings forth the Veſſels to the Deacon, and humbly miniſters under the Deacon, with the Houſel Veſſels at the Holy Altar.

16. The Deacon is he that miniſters to the Maſs-Prieſt, and places the Oblation on the Altar, and reads the Goſpel at the Divine Miniſtration, he may baptize Children, and houſel the People. They [m] ought to ſerve their Saviour in white Albs, and

[m] ða ꝛceolan on hpitum album þam hælend þeopiꝛan, &c. So CCC MS.

and preſerve the Heavenly Life with purity, and let all [a] be done as becometh that Order. The Prieſt, that remains without a Deacon, has the Name, not the attendance of a Prieſt.

[a] ðuȝenð. CCC MS.

17. Presbyter is the Maſs-Prieſt, or Elder, not that he is old otherwiſe than in Wiſdom. He halloweth God's Houſel, as our Saviour commanded: He ought by preaching to [b] inſtruct the People in their Belief, and to give an Example to Chriſtians, by the purity of his Manners. Ther is no more between a Biſhop and a Prieſt, but that the Biſhop is appointed to ordain, and to Biſhop [c] Children, and to hallow Churches, and to take care of God's Rights: for they would be abundantly [d] too many, if every Prieſt did this, He hath the ſame Order, but the other is more honourable.

[b] læran, CCC MS. inſtead of Sir *H. S.*'s la an.

[c] to birceoplenne cilð. ⁊ to haliȝan cyrcan. CCC MS.

[d] CCC MS. has maniȝ-fealð for maniȝealð, and omits mænniȝe-tealð.

18. Ther is no Order appointed by Eccleſiaſtical Inſtitution, but theſe ſeven, as we now ſaid, Monkſhip and Abbotſhip are of another ſort, and are not to be reckon'd in this number: Let no Man add any Order (ſo miſcalled) to theſe Orders. [e] The Souls of the Prieſts that keep themſelves chaſte are an Holy Oblation.

[e] I remove the Stop from hepto to after haðaȝ.

19. Now it concerns Maſs-Prieſts and all God's Servants to keep their Churches employ'd with Divine Service. Let them ſing therein the ſeven Tide-Songs that are appointed them, as the

[f] Synod

[f] Synod earneſtly requires, *viz.* the [g] Uht-ſong, the [h] Prime-ſong, the [i] Undern-ſong, the Midday-ſong, the [k] Noon-ſong, the Even-ſong, the [l] Seventh [or Night]-ſong.

[f] Perhaps the Synod of *Nantz*, *A. D.* 890. See Diſtinct. 91.

[g] Commonly called Mattins, ſometimes Nocturns, ſometimes ther were eight Canonical Hours, then Nocturn was at Midnight: when it was deferr'd to Mattins (that is ſometime before Day-light) it was ſtill by ſome called Nocturns.

[h] Seven a Clock in the Morning, which was the firſt Hour, or one a Clock in the *Latin* Account.

[i] Nine a Clock in the Forenoon with us; *Tiers*, the third Hour with the *Latins*.

[k] Three a Clock after Noon with us: *None*, *Hora-Nona* with the *Latins*.

[l] Nine at Night, *Compline*.

20. And they ſhall pray devoutly for the King, and for their Biſhop, and for their Benefactors, and for all Chriſtian People.

21. And [the Prieſt] ſhall have the Furniture for his Ghoſtly Work before he be ordained, thatis, the Holy Books, the Pſalter, and the [m] Piſtol-Book, Goſpel-Book, and Maſs-Book, the [a] Song-Book, and the [b] Hand-Book, the Kalendar, the [c] Paſsconal, the [d] Pe-

[m] Theſe Books did not contain the entire Epiſtles, or entire four Goſpels, but ſuch Portions of them as were aſſigned to be read at the Altar at Maſs.

[a] Elſewhere called the Antiphonary.

[b] The Manual in the Conſt. of Archbiſhop *Winchelſey*, *Anno* 1305.

[c] CCCC MS. has Partonale, but this was the ſame with the Penitential: therfore Sir *H. S.*'s Text is here to be preferr'd. The Paſſional was the ſame with the Martyrology; it contained the Account of all the Saints, and the Days of their Suffering, or Death, and *Durandus* ſays it was read in the Church. It may not be improper here to take Notice of the Catalogue of Books which

which the Prieſt was injoined to have by *Bede*, or the Author *de Remediis Pecc.* Sir *H. S.* Vol. I. p. 281. *Let the Prieſt provide his Furniture before the Hand of the Biſhop touch his Head*, viz. *a Pſalter*, *a Lectionary* (here called the Leſſon-book), elſewhere the Legend) *an Antiphonary* (containing the Prayers, Canticles and Pſalms for every Day in the Year, which with the Lectionary makes the preſent Breviary,) *a Miſſal*, *a Baptiſtery* (which contain'd the Baptiſmal Service, ſays *du Freſn*, and I am apt to think here in *England* it contained the whole Ritual, that is, all the Services for adminiſtring Sacraments (except the Euchariſt and Sacramentals,) *the Martyrology for the Circle of the whole Year*; *and the Computus with a Cycle*, which I take to have been meant by the ȝeꝑim Almanack, as I turn it after our *Somner*, that is the Tables of New Moons, and for finding moveable Feaſts, and for finding *Eaſter* for ever.

[d] Penetential, and the Leſſon-Book. [e] It is neceſſary that the Maſs-Prieſt have theſe Books: and he cannot be without them, if he will rightly exerciſe his Function, and duly inform the People that belongeth to him.

[d] The Penitential was the Book which directed the Prieſt what Penance to enjoin for every Sin confeſs'd to him.

[e] Here Sir *H. S.*'s Copy was defective, the CCCC MS. hath it as follows: þæꝛe Beꝛꝛceal Mæꝛꝛe-Pꝛeoꝛt nebe habban; ⁊ he ne mæȝ butan beon. ȝiꝛ he hiꝛ haðe on ꝓihꝛ healðan ꝓyle; ⁊ þam ꝓolc æꝛteꝛ ꝓihꝛ ꝓiꝛiȝan þe him to locaþ: ⁊ beo he æt þam ꝓæꝛ þ hi beon ꝓel ȝe ꝓihꝛe. My Tranſlation is according to this Copy.

22. He ſhall have his *Maſs* Veſtment, that he may reverently miniſter to God, as is becoming; and let not that Veſtment of his be ſordid, at leaſt not to [f] the ſight; and his Altar-Cloaths

X well

[f] I underſtand to ꝓiȝen, q. toꝓieu. *Somner* ſays, *Nec tamen fulgida, vel ſplendida*: he adds another Conjecture leſs probable than the former, as if Siȝen ſignified a Cloak, and that was here forbidden.

well made. Let his Chalice likewiſe be made of [g] Pure Wood, not ſubject to rottenneſs; and alſo the Pattin: and let the Corporal be clean, ſo as [h] befits Chriſt's Miniſtration. A thing of this ſort is not to be [i] treated without great care: But he ſhall be ever honoured with God, who miniſters to Him in Wiſdom and Purity.

[g] The *Danes* by their Depredations had reduced the *Engliſh* to Wooden Chalices. But it does not appear, that they had, by this means, made Golden Prieſts, or Biſhops.

[h] Here CCCC MS adds ȝebinaþ, as Mr. *Somner* alſo has in his Annotations.

[i] Somn. *Nemo ſine labore talia proferre*, &c.

23. The Maſs-Prieſt on *Sundays* and Maſs-days, ſhall ſpeak the ſenſe of the Goſpel to the People in *Engliſh*, and of the *Pater Noſter*, and the Creed, as oft as he can, for the inciting of the People to know their Belief, and retaining their Chriſtianity. Let the Teacher take heed of what the Prophet ſays, *They are dumb Dogs and cannot bark.* We ought to bark and preach to Laymen, leſt they ſhould be loſt thro' Ignorance. Chriſt in his Goſpel ſaith of unlearned Teachers, *If the blind lead the blind they both fall into the Ditch.* The Teacher is blind that hath no Book-learning. And he miſleads the Laity thro' his Ignorance. Thus are you to be aware of this, as your own Duty [requires.]

24. The Holy Fathers have alſo decreed, That Tithes be paid into God's Church, and that the Prieſt go to them, and divide them into [k] three [Parts],

[k] It ſeems evident that Tithes were now brought to the Church by the Tithe-payer: and that Biſhops did not any longer inſiſt on their Quarter of the Tithes, their Sees being by this time well endowed. *Somner* tranſlates, *adeaturque Sacerdos, & diſtribuantur.* But he was not ſatisfied with this Verſion, for he adds Q.

[Parts], one for the Reparation of the Church, a second to the Poor, a third to God's Servants, who attend the Church.

25. They have also decreed, That Mass be not celebrated in any House, but what is hallowed, except in case of necessity, or [1] if the Man be sick.

[1] Not on the account of any Layman's Sickness, but of the Priest who was to officiate. *See Can.* 30. 960.

26. And if an unbaptized Child be of a sudden [m] brought to the Mass-Priest, that he baptize it with all possible expedition, lest it die a Heathen.

[m] By this it shou'd appear, that of old the Priest was not call'd to baptize the sick Child, but the Child was brought to the Priest. If this practice were now restored, it wou'd prevent those pretences of Sickness, whereby Clergymen are drawn to baptize Children at home, when the true Cause is only to save themselves the trouble of bringing it to Church: for, generally speaking, it is no more trouble to bring a Child to the Church, than to the Vicarage, or Parsonage-House. And by this means Baptism wou'd be administred with greater expedition. And 'tis my Opinion, that many a Child's Life wou'd be saved by exposing it to the open Air, that is now stifled to death for want of Breath, in a close Chamber.

27. That no Priest sell his Ministrations for Money, nor make demand of any thing for Baptism, or any other Ministration: [a] and let him not be like them whom Christ drove with a Scourge out of the Temple, because they wickedly traffick'd in it. Let not the Servants of God now perform their Ministrations for Money, but to the end that they may merit Eternal Glory thereby.

[a] For *and Somn.* read ꝺꝛ qod, *that be not said*, &c.

28. Let [b] no Prieſt remove for Gain from one Minſter to another; but ever continue in that, to which he was ordained, ſo long as he lives.

[b] This is not in the CCCC MS. L. 12.

29. And let no Prieſt ſottiſhly drink to Intemperance; nor force much drink on others: for he ſhould be always in readineſs, ſo as to have his Wits, if a Child be to be baptized, or a Man to be houſeld: and if nothing of this ſhould happen, yet he ought not to be drunk; for our Lord hath forbid Drunkenneſs to his Miniſters.

30. Let no Prieſt be a Trader, or a [c] covetous Merchant; nor forget his Relation to God, nor engage in ſecular Controverſies, nor wear Arms, nor plead Cauſes, nor drink at Taverns, as ſecular Men do, nor ſwear Oaths, but always ſpeak without Falſity, with Simplicity, as becomes the well inſtructed Servant of God.

[c] ȝiȝrigende Manrepe. Perhaps *an uſury taking Trader*. The ſaid MS. has Man-repe, for Manrpepe, a Perjurer.

31. He ſhall likewiſe with Diſcretion injoin Penance to Sinners; to every one according to his Circumſtances, ſo as he may be able to bear it: and he ſhall houſel the Sick, and weakly, while the Sick are capable of ſwallowing the Houſel. Let him not do it, if the Man be but half alive. For Chriſt commanded, that a Man ſhould *eat* the Houſel.

32. the Prieſt ſhall alſo have Oil hallowed diſtinctly for Children, and for ſick Men; and ſolemnly anoint the Sick in their Bed. Some ſick Men are full of vain Fears, ſo as not to conſent to the being anointed. Now we will tell you, how God's

God's Apoſtle [d] *Jacob* hath inſtructed us in this Point, he thus ſpeaks to the Faithful. *If any of you be afflicted, let him pray for himſelf with an even Mind; and praiſe his Lord. If any be ſick among you, let him fetch the Maſs-Prieſts of the Congregation, and let them ſing over him, and pray for him, and anoint him with Oil in the Name of the Lord. And the Prayer of Faith ſhall heal the Sick; and the Lord ſhall raiſe him up: and if he be in Sins, they ſhall be forgiven him; confeſs your Sins among yourſelves, and pray for yourſelves among yourſelves,* [e] *that ye be healed.* Thus ſpake *Jacob* the Apoſtle *concerning the Unction of the Sick.* But the ſick Man before his anointing ſhall with inward Heart confeſs his Sins [f] to the Prieſt if he hath any for which he hath not made Satisfaction, according to what the Apoſtle before taught: and he muſt not be anointed, unleſs he requeſt it, and make his Confeſſion. If he were before ſinful and careleſs, let him then confeſs, and repent, and do Alms before his Death, that he may not be adjudged to Hell, but obtain the Divine Mercy.

[d] So *James the leſſer* is called alſo in our Kalendar: For the firſt of *May* has the Names of the two Apoſtles, *Philip* and *Jacob* ſet over-againſt it. It is probable that the Nick-name *James* was not yet invented. It is ſtrange, that ſo pious and learned a Man as *Elfric*, ſhou'd take ſuch liberty in his tranſlation of this Paſſage of Scripture, but it was the practice of the Age.

[e] Read beon, not þeon, *Somn.* He has many Emendations of Sir *H. S.*'s Text hereabouts, but ſuch as are very obvious, and of no great account.

[f] This addition, *to the Prieſt*, is from the CCC MS.

33. Ther have been four Synods in behalf of the true Faith in Oppoſition to the Heretics, who ſpake abſurdly of the Holy Trinity, and the Incarnation of Chriſt: the firſt was at *Nice*, as we ſaid ſometime before; the ſecond was after-

wards at *Conſtantinople* [conſiſting of] one hundred and fifty Biſhops, Holy Men of God; the third was at *Epheſus* [conſiſting of] two hundred Biſhops; and the fourth at *Calcedon* [conſiſting of] many hundred Biſhops; and all theſe were unanimous as to what was decreed at *Nice*, and they repaired all the Breaches that had been made therin. And theſe four Synods are to be regarded [g] as the four Books of Chriſt in his Church. Many Synods have been holden ſince; but yet theſe are of the greateſt Authority. For they extinguiſhed the Heretical Doctrines which were abſurdly invented againſt God by thoſe Heretics; and they eſtabliſhed the Service of the Church.

[g] God forbid.

34. How dare ye now overlook all theſe Decrees? When the Monks obſerve the Rule of one Man, the *Holy Benedict*, and live by his Direction. And if they [h] in any Point break it, they afterwards make Satisfaction according to their Abbots Injunction, with all Humility. Ye alſo have your Rule if ye would read it. By it ye might ſee how the matter ſtands with you. But ye affect ſecular [i] Judicatures, and chuſe to be Reeves, and abandon your Churches, and theſe Decrees [k] with all.

[h] hpæp not pæp.

[i] Sax. ꝩræcum *altercationibus. Som.*

[k] *Omnino. Som.*

35. Yet we will inform you of theſe Decrees, leſt we periſh together with you. Chriſtians ought to frequent the Church, † But Men ought not to prate, or diſpute there: becauſe that is the Houſe of Prayer hallowed to God for Ghoſtly Speech. Nor ought Men to drink, or eat intemperately in God's Houſe; which is hallowed to this Purpoſe, that the Body of God may be there eaten with Faith. Yet Men often act ſo abſurdly as to ſit

up

up by Night, and drink to Madneſs within God's Houſe, and to defile it with ſcandalous Games, and lewd Diſcourſe. But it were better for them, that they were lying in their Beds, than that they ſhould do —— *Cætera deſunt.* Thus far Sir *H. S.*

At this Mark † in the laſt Canon the CCC. MS. *breaks off, and then goes on as here follows.*

36. Ye ought not to [l] make merry over dead Men, nor to hunt after a Corps, except ye are invited to it: when ye are invited, forbid the *Heatheniſh* Songs of Lay-men, and their obſtreperous Ejulations. Do not yourſelves eat, or drink where the Corps lies, leſt ye become Imitators of the *Heatheniſh* Superſtition, which they there practiſe. Ye ought not to be gorgeouſly dreſt with Rings: nor let your Garment be made in too gorgeous, nor yet in too [m] ſordid a Manner; but let every one wear what belongs to his Order; the Prieſt that to which he was ordained: and let him not wear a Monk's Shroud, nor that which belongs to Lay-men, any more than a Man wears the Woman's Attire. Chriſt ſaith of his Miniſters, who diligently ſerve him, that they ſhall always be with him in Bliſs, where he himſelf is, in Life truly ſo called. To him be Glory for ever and ever, *Amen.*

[l] Sax. ꝑænigan, which I by Conjecture underſtand as ꝑægnean.

[m] Sax. ꝑaclice. perhaps *fine, thin.*

Immediately after the above written Canons of Ælfric, *we have the following Exhortation. It was evidently directed by the Biſhop to the Prieſts, when they came to fetch or ſent for the Chriſm, and the Oils to be uſed in Baptiſm, and extreme Unction for the enſuing Year, which was regularly don upon* Maunday Thurſday; *ther is in the ſame* MS. L. 12. CCCC *an Epiſtle in* Latin *to be ſent to every Prieſt, that did not*

perſonally come to fetch the Chriſm, and Oils, Entitled Epiſtola quando dividis Chriſma. p. 151. and in *Saxon* p. 336. *I thought fit to tranſlate, and inſert this Exhortation firſt mentioned in this Place, not only becauſe it ſeems all of a Piece with what goes before in the old* MS. *but becauſe in ſeveral Particulars it gives Light into the Doctrin and Practices of this Age; and eſpecially contains a ſtrong Proof that Tranſubſtantion was not yet believed, tho' they doubted not of a Change wrought in the Symbols, which was the univerſal Belief of the Ancients.*

Sax. 37. I charge you, that ye take Care of yourſelves (as your Books direct you) and how ye ought to act on the Days now coming. *Houſel* ought not to be hallowed on [a] Long *Fryday*: Becauſe Chriſt ſuffered for us on this Day. But yet what concerns the Day muſt be done, for two Leſſons are to be read with two [b] Tracts, and two Collects, and Chriſt's Paſſion, and afterwards the Prayers, and let them [c] pay their Adoration to the *Rood*, then let

[a] I know not that *Good-Friday* is any where elſe called *Long-Friday*; but it is evident no other Day can here be meant: and it is on this Day that the Church of *Rome* forbids the Euchariſt to be conſecrated, and on no other Day in the whole Year. But then they have a Communion on this Day, which is furniſh'd out of the Hoſts conſecrated on *Maunday-Thurſday*: This is call'd, *Miſſa præſanctificatorum.* *N. B.* I have ſince met with a Paſſage in Mr. *Wanley*'s Catalogue, where *Good-Friday* is call'd *Long-Friday*, tho' I cannot now refer to it.

[b] Tracts are certain Sentences to be ſung after the Epiſtle.

[c] Sax. ⁊ gebyðson hy to þæp Rode, which I might turn, *Pray to the Rood.* He that wou'd know the full meaning of all theſe Directions, let him look into the Romiſh Miſſal, which, as it now ſtands, will ſufficiently explain all that is here ſaid of the *Good-Friday* Service, which ſeems to me the very worſt that is in the whole Year,

Year, save that ther is on this Day no elevation of the Hoſt, nor, by conſequence, any Divine Honour required to be paid to it: But the Honours paid to the Croſs are a full Compenſation for that defect.

let all greet God's *Rood* with a Kiſs. Afterward let the Prieſt go to God's Altar with the Remains of the Houſel, which he conſecrated on *Thurſday*, and with unhallow'd Wine mingled with Water, and cover them with a Corporal, and then preſently ſay, *Oremus*, *Præceptis Salutaribus moniti*, &c. *Pater Noſter*, to the End, and then let him ſay with a low Voice, *Libera nos quæſumus*, *Domine ab omnibus malis*, and aloud, *per omnia Secula Seculorum*. Then let him put a Particle of the Houſel into the *Chalice*, as it is cuſtomary, but with Silence. Then let him [d] go to Houſel, and whoever elſe pleaſes. On the *Thurſday* we ſing our [e] Tide-Songs together, and all the Prayers with a low Voice, *& miſerere mei Domine*, and Collect; on the *Fryday* we ſing all the Tide-Songs ſingly by ourſelves with a low Voice (except the Uht-Song only, which we ſing together) and alſo on the *Saturday* till Noon-Song be ſung. Let no Oil be put in the Font, except a Child be there baptized. Let not the Offertory be ſung at the Maſs on *Eaſter-Eve*, nor *Agnus Dei*, nor *Communia*; but while they are a going to Houſel, let the Chanter begin *Alleluia*, *Alleluia*, *Alleluia*, and further the Pſalm, *Laudate Dominum omnes Gentes*; after that the Anthem. *At Veſpers*, *Magnificat*, Then let the Prieſt ſay, *Dominus Vobiſcum*, *Oremus*, and the Collect after the Communion: And thus let him end the Maſs, and the Even-Song with one Collect after the Communion. Some Prieſts reſerve the Houſel, that was hallowed on *Eaſterday*, over Year for Sick Men. But they do very

[d] This is an old Engliſh Phraſe, ſignifying to receive the Sacrament.

[e] Hours of the Breviary, Uhtſang, Prime, *&c.*

very greatly amiſs, who cauſe the Holy Houſel to putrify, and are unwilling to underſtand how great Satisfaction the Penitential directeth in Relation to them, if the Houſel be putrified, or muſty, or loſt. Or if a Mouſe eateth it, thro' Careleſneſs. The Holy Houſel ought to be kept with great Diligence and not be permitted to be ſtale, but another be always hallowed anew for Sick Men in about a Seven-night, or Fortnight, ſo as that it may not be muſty at leaſt. For that Houſel that was now hallowed to Day is altogether as Holy as that which was hallowed on *Eaſter-day*. That Houſel is Chriſt's Body, not corporally, but ſpiritually; not the Body in which he ſuffer'd, but that Body of which he ſpake, when he bleſſed Bread and Wine for Houſel one Night before his Paſſion, and ſaid *of the Bread bleſſed, This is my Body*; and again, *of the Wine bleſſed, This is my Blood, that is ſhed for many for the Forgiveneſs of Sins*. Know now that the Lord, who was able to change the Bread into his Body before his Paſſion, and the Wine into his Blood, in a ſpiritual Manner, he his ſelf daily bleſſeth Bread and Wine by the Hand of his Prieſts into his ſpiritual Body and Blood. And the Prieſt ought purely, and carefully to perform the Divine Miniſtration, with clean Hands, and clean Heart; and let him beware that the Oblation have not been too long baked, leſt it be unſightly; and let him always mingle Water with the Wine. For the Wine betokeneth our Redemption thro' Chriſt's Blood; and the Water betokeneth the People, for whom he ſuffer'd. Great Honour doſt thou merit, if thou miniſtreſt to God with Earneſtneſs, and Reverence; and again it is written, that *he is curſed, that doth Service to God with Negligence*. By this we may know that the Man who has not his Sight, ought not to preſume to celebrate Maſs, when he does not ſee what he offereth

offereth to God, whether it be clean, or foul. Maſs ought not to be celebrated with any other Veſſel but the Chalice that is bleſſed for this Purpoſe. We charge you Maſs-Prieſts, that ye charge all the People that belong to you, and to whom ye are Shrifts, that the four firſt Days of *Eaſter* be kept free from all Servile Works. Becauſe at this Time all the whole World was ſet at Liberty from the Captivity of the Devil: and let the Feaſt of *Sunday* be kept from *Saturday* [f] Noon, till *Mundays* Light; and the Feaſt of every Maſs-day, that was appointed, and injoined as a Feaſt in the Days of the Predeceſſors of our Lord the King, and of our Anceſtors. And further let as many Days be faſted as are eſtabliſht for this Purpoſe, and have a Service appointed for them. Let every Man faſt every *Fryday* in the Twelve-month, ſave from *Eaſter* to *Pentecoſt*, and again from *Midwinter* till a Seven-night after *Twelfth-day*; or except it be a publick Feaſt, or a full Service belong to it: otherwiſe let no Man break the Faſt on this Day. And we Biſhops decreed, when we were together, that the whole Nation faſt before the Maſs-days of St. *Mary*, and the Maſs-days of the Apoſtles: and that the Maſs *contra Paganos* be ſung every *Wedneſday* in every Minſter, and that every Maſs Prieſt do the ſame at his Church. Now ye have heard what is unanimouſly to be done by you, what is to be left undone. [g] If ye act contrary to this, we have not the Government [of you,] but we ſhall be clean at God's Doom. God grant ye may ſo [h] conſider it, as it is your Duty to do.

[f] See Law of *Edgar*, 5. 958.

[g] Sax. ıf ge oþ þırum boþ þe nagon gepeald.

[h] Sax. aþæbıgan. perhaps *read.*

A. D. DCCCCLVIII.

King EDGAR's Laws Eccleſiaſtical.

PREFACE.

THo' theſe Laws, and the firſt Set of Canons following next after them are aſcribed to King Edgar; *yet they have nothing of the Spirit of* Dunſtan *in them; I mean, they inflict no Puniſhments, or hard Cenſures upon the married Clergy, as they certainly would, if* Dunſtan *had been at the making of them. It is poſſible, that theſe Laws, and the firſt Set of Canons might have been made, while* Edgar *ſhared the Kingdom with his Brother* Edwy. *But I rather chooſe to place them in the ſecond Year of his Reign over all* England. Dunſtan *was not Archbiſhop of* Canterbury *before the Year 962.*

A. D. DCCCCLVIII.

Sax. THis is the Proviſion, which King *Edgar* made with Conſent of his Counſellors to the Praiſe of God, to his own Royal Dignity, and the Benefit of all the Nation.

1. This is the principal Point, that God's Churches poſſeſs their Right, and that every one pay his Tithe to the ancient Minſter, to which the [a] Diſtrict belong whether of the *Thanes* [b] De-

[a] Sax. hỳnnerꝛe.

[b] Sax. inlanð.

mean-

mean-land, or of his [c] Land let out to others, let it be ſo paid as his Plow go's.

[c] Sax. Neatland. It is very evident that the Thane had not the Power of diſpoſing of the Tithes ariſing from his own Lands; but was bound to pay them to the Church, or Minſter, to which they did by cuſtom belong. If he built a Church, he could grant but one third of his Tithes to it by *Can.* 2.

2. If ther be any *Thane*, who hath on Land, which he holds by written Deed, a Church with a Burying-place belonging to it, let him pay the third Part of his Tithes into his own Church. If he hath a Church with no Burying-place belonging to it, let him give his Prieſt what he will out of the nine Parts; and let every Church-Scot go into the ancient Minſter from all the Ground of Freemen.

3. And let all the Tithe of young Animals be paid by *Pentecoſt*, and of the Fruits of the Earth by the *Equinox*; and let every Church-Scot be paid by [d] *Martins* Maſs, under Pain of the full Mulct, which the Doom-book mentions, and if any will not pay the Tithe as we have commanded, let the King's Reeve and the Biſhop's Reeve, and the Maſs-Prieſt of the Minſter, go to him, and take by Force, the tenth Part for the Minſter to which it belongs, and deliver to him the ninth Part, and let the eight Parts be divided into Two; and let the Lord take one half, the Biſhop the other, whether it be a King's Man, or a *Thanes* Man.

[d] *November* 11.

4. And let every Harth-peny be paid by [e] *Peter-Maſs-*

[e] That is *Lammas*-Day, or St. *Peter ad Vincula*. This Rome-Peny was given by *Ina*, and *Offa* for the maintaining an *Engliſh* School at *Rome*; and on Condition that no one ſhould be obliged to go by Way of Penitential Pilgrimage from *England* to *Rome*; therfore he who refuſed to pay it was obliged to perform this Pilgrimage as a Penance for refuſing it.

Maſs-day, and let him who hath not paid it by that Term carry it to *Rome*, and thirty Pence over, and above, and bring a Certificate, that he hath there deliver'd ſo much: and when he comes home, let him pay the King an hundred twenty Shillings. And if again he refuſe to pay it, let him carry it again to *Rome*; and another ſuch Satisfaction, when he comes home, let him pay the King two hundred Shillings. If he refuſe it the third Time, let him forfeit all that he hath.

5. Let every *Sunday* be kept in a Feſtival Manner from the [f] Noon-tide on *Saturday* till *Monday* Morning light, under the Penalty which the Doom-book mentions; and every other Maſs-day as commanded. And let injoined Faſts be kept with all diligence.

[f] That is three in the Afternoon according to our preſent Account: and this Practice, I conceive continued down to the Reformation. In King *Wihtred*'s Time, the Lord's Day did not begin till *Sunſet* on the *Saturday*. See 697. No. 10. Three in the Afternoon was *Hora nona* in the *Latin* Account, and therfore called *Noon*. How it came afterward to ſignify Mid-day I can but gueſs. The Monks by their Rules could not eat their Dinner till they had ſaid their Noon-Song, which was a Service regularly to be ſaid at Three a Clock; but they probably anticipated their Devotions, and their Dinner by ſaying their Noon-Song immediately after their Mid-day-Song, and preſently falling on. I wiſh they had never been guilty of a worſe Fraud than this. But it may fairly be ſuppoſed, that when Mid-day became the Time of Dining, and ſaying Noon-Song, it was for that Reaſon called Noon by the *Monks*, who were the Maſters of Language, during the dark Ages. In the *Shepherds Almanack* Noon is Mid-day, High-Noon Three.

After theſe Laws in Lombard's *and* Wheloc's *Edition follows another Set of eight Laws, two of which I have here inſerted, tho' they are not in Sir* H. S. *The reſt are entirely Civil.*

6. Let a [g] Judge that gives an unjuſt Sentence make Satisfaction to the King with an hundred twenty Shillings, unleſs he dare affirm on Oath, that he knew no better: and let him alſo forfeit his *Thaneſhip*, unleſs he purchaſe it of the King according as he will grant it. And let the Biſhop of the Shire levy the Mulct for the King's Uſe. 5.

[g] Sax. Dema: he was probably one that preſided in the Hundred Court, or the Burgh-mote (which was the Court holden in a City, or Burrough) yet it is evident he was a *Thane*; for otherwiſe he could not forfeit his *Thaneſhip* by Corruption: Yet the Biſhop here has a civil Power over this *Thane*, ſo that he could diſtrain him.

7. Let Reſort be made to the Hundred-Court, as hath been ordained in time paſt. Let the Burgh-mote be held thrice a Year, the County Court twice, [h] and let the Biſhop be at the County Court, and alſo the Alderman; and there let each of them put in Ure both God's Law, and the Worlds Law. 5.

[h] Not, I conceive, that the Biſhop was to paſs Sentence of Death, or bodily Puniſhment; nor that the Alderman was to excommunicate; but the Biſhop might inforce ſecular Laws by Eccleſiaſtical Cenſure, and the Alderman Eccleſiaſtical Laws with Civil Puniſhment, where it was thought moſt expedient.

A. D. DCCCCLX.

Canons made in King EDGAR's Reign.

PREFACE.

IMmediately *after King* Edgar's *Eccleſiaſtical Laws in the* CCCC MS. *follow theſe Canons which I place before* Dunſtan's *Acceſſion to the See of* Canterbury, *as containing no Cenſure againſt the married Clergy.* Somner *obſerves that many of them are taken from the Capitularies of* Charles *the Great. The Title is,*

Sax. Here now follows after *Edgar*'s Proviſion the Regulation of the Lives of Eccleſiaſtical Perſons.

1. WE [i] charge that God's Servants diligently perform their Service and Miniſtry, to God, and intercede for all Chriſtian Folk, and that they be all faithful and obedient to their Superiors, and all unanimous for their common Benefit, and that they all be helpful to each other both in relation to God and the World; and that they be faithful, and true to their [k] worldly Lords.

[i] *We charge*, is repeated at the beginning of every Canon in the Original.

[k] Secular Lords of Clergy-men were the King their Patrons, their Founders Heirs, or ſuch of whom they held Lands.

2. And

2. And that they all honour each other, and that the Inferiors obey the Superiors, with Diligence, and that the Superiors love, and instruct diligently their Inferiors.

3. And that at every Synod every Year they have their Books, and Vestments for Divine Ministration, as also Ink, and Parchment for [writing down] their Instructions, and three Days Provision.

4. And that every Priest have his Clerk to the Synod, and an orderly Man for his Servant, none that is indiscreet, or that loves foolery, and let all proceed in Order, and in the Fear of Almighty God.

5. And that every Priest [l] give Information in Synod, if any thing aggrieve him, and if any Man hath highly abused him: and [let them be] for him all [m] in one, as if it had been done to themselves; and let them so assist him, that the Man may do Satisfaction, as the Bishop directs.

[l] ȝecyþe is to be added after Synoð Somn. This and many other of the following Canons do much resemble the Laws of the *Northumbrian* Priests. 950.

[m] Sax. on ane Somn.

6. And that every Priest give Information in Synod, if he know any Man in his District that is contumacious against God, or fallen into mortal Crimes, whom he cannot reduce to Satisfaction, or dare not by reason of secular Men.

7. And that no Suit between Priests be commenced before secular Men, but that their Equals be Arbitrators, and Umpires; or let them lay their Cause before the Bishop, if ther be a Necessity.

8. And that no Priest do of his own Accord desert the Church, to which he has been blest, and married.

9. And that no Prieſt interfere with another in any thing that concerns his Minſter, or his Pariſh, or his [a] Gildſhip, or in any of the things which belong to him.

[a] See L. 1. of *Northumbrian* Prieſts, 950, and the Note there.

10. And that no Prieſt receive a [b] Scholar without the Leave of the other by whom he was formerly retained.

[b] Clergymen were raiſed in this Age, by putting Children into the Family of a Biſhop, or a Prieſt, or into Monaſtry, where they were inſtructed in the Books, which contained their religious Offices; and ſo ſoon as they could read, and write, they received the firſt Tonſure, that is, they were made Oſtiaries tho' in after Ages ther was a Diſtance of Time between their being ſhaved, and receiving the firſt Order, this *Morinus* ſhews to be a later Corruption.

11. And that every Prieſt do moreover teach manual [c] Arts with diligence.

[c] This was a commendable Proviſion in an Age, when Books were ſo ſcarce, that a Clergy-man could ſcarce know how to imploy his Time innocently after he had well learned the publick Offices. I remember Biſhop *Groſthead* after we had Univerſities, complains, that he could not find Bibles, for the Uſe of ſuch Incumbents, and Clergy-men of his Dioceſe as he had ſent thither.

12. And that no learned Prieſt do reproach him that is half-learned, but mend him, if he know how.

13. And that no noble born Prieſt deſpiſe one of leſs noble Birth. If it be rightly conſider'd, all Men are of one Origin.

14. And

14. And that every Prieſt do juſtly [d] ſtate his own Accounts, and be not an unrighteous Chapman, nor a [e] covetous Merchant.

[d] Sax. tiligan. This commonly ſignifies to follow Agriculture which was uſual with the Clergy of this Age, but the Adverb pihtlic joined with it rather inclines me to take it as tylean. And it is no contemptible Quality, eſpecially in Clergy-men, to keep exact Accounts; and the reſt of the Canon ſeems to favour this Senſe.

[e] *Somner*'s Reading is gitigend. He underſtands it of one that takes Uſury.

15. And that every Prieſt give Baptiſm as ſoon as it is deſired, and that he give it in Charge to his Diſtrict, that every Child be baptized within thirty ſeven Nights, and that no one too long remain unbiſhop'd.

16. And that every Prieſt induſtriouſly advance Chriſtianity, and extinguiſh *Heatheniſm*, and forbid the [f] Worſhip of Fountains, and Necromancy, and Auguries, and Enchantments, and Sooth-ſayings, and [g] Falſe Worſhip, and [h] Legerdemain, which carry

[f] Wilpeorþunga is tranſlated by Sir *H. S. fictus ad libitum Adorationes.* This led ſome Puritans into a lepid Miſtake. See Dr. *Hammond* on *Col.* ii. xxiii. which Text Sir *H. S.* too puts in his Margin. The Worſhipping of Wells and Fountains was a Superſtition, which prevailed in this Nation till the Age before the Reformation. Nay, I cannot ſay that it is yet extinguiſh'd among the Papiſts. In the Ages of dark Popery, it was thought ſufficient to forbid the honouring of Wells and Fountains, without the Biſhops Approbation.

[g] Sir *H. S*'s Verſion here is *hominum cultus Divinos*, but this cannot be the meaning; becauſe the Worſhiping of Saints was now certainly practiſed in this Church, and therfore could not be condemned by the Author of theſe Canons. And the *Saxon* Word implies not what Sir *H. S.* ſuppoſed.

[h] gemaarpa

[h] ȝemaappa in Law first of King *Edward* in *Lamb.* seems to signify the Substituting one thing for another by Slight of Hand, therfore I turn it Leger-demain.

carry Men into various Impostures, and to [i] Groves, and Ellens, and also many Trees of divers Sorts, and Stones. And many do exercise themselves in Variety of Whimsies to such a Degree, as they by no means ought to do.

[i] In this Word I follow Mr. *Somner*'s Conjecture; in the next Word *Ellen* my own. The *Elder-tree* still passes by that Name in some of the North-west Countries. No Tree looks more venerable, or divine, when it is full of Blossoms, or Berries. Mr. *Som.* turns it *Olive-tree.* But our Forefathers dealt not in Exotics.

17. And that every Christian Man diligently win his Child to Christianity and teach him *Pater Noster & Credo.*

18. And that Men on Holy-days forbear *Heathenish* Songs, and Diabolical Sports.

19. And that Men abstain on the *Sunday* from Markets, and County Courts.

20. And that Men abstain from fabulous Readings, and absurd Fashions, and scandalous [k] Shavings of the Hair.

[k] Here I follow Mr. *Somn.* It is well known that the several Modes of cutting or shaving the Hair were among the *Heathen* Tokens of Mens being devoted to one Idol, or another. The *Danes* being *Heathens*, or half Christians had introduced these Fashions here in *England.*

21. And that Men abstain from Familiarity with Concubines, and choose lawful Marriage.

22. And that every Man learn to be expert at *Paster Noster, & Credo,* as he desires to lie in holy Ground, or to be [esteem'd] worthy of the Housel; for he who refuseth to learn that, is not a good Christian,

Christian, and he cannot of right undertake for others at Baptism, nor at the Bishop's Hands. Let him who knows it not first learn it.

23. And that ther be no violent Strife between Men on Festival, or Fasting Days.

24. And that on Festival, and Fasting Days Oaths, and Ordeal be forborn.

25. And that every Man abstain from his [1] Wife on Festival, and establisht Fasting Days.

[1] Read ꝑıf, not ꝑıc *Som.*

26. And that Priests keep their Churches with all Honour for Divine Ministrations, and pure Services, and to no other Purpose; and that they allow of no undecent Thing either in, or next it, nor of any idle Word, or Work, nor of undecent Drinking. Nor let any Dog or Swine come within the Verge of the Church, so far as Man can govern.

27. And that nothing be lodged in the Church, that is not befitting it.

28. And that Men be very temperate at Church-wakes, and pray earnestly, and practise nothing unbecoming [m] there.

[m] Read ꝑæꝛ ne, not ꝑanne.

29. And let no Man be buried in a Church, unless it be known that he in his Life Time have so pleased God, that Men on that Account allow him to be worthy of such a Burying-place.

30. And that no Priest celebrate Mass in any House but a hallowed Church, except on Account of [a] some Man's extreme Sickness.

 31. And

[a] Not an Account of any Lay-man's Sickness, the 38th Cannon provides for this; but in Case any Priest had vow'd, or thro' Zeal was resolved, or had it injoin'd him in Penance to say Mass, and yet was too sick to go to Church. See also *Can.* 25 *Elfric* 960.

31. And that the Prieſt never celebrate Maſs at leaſt without a hallowed Altar.

32. And that a Prieſt never celebrate Maſs without Book; but let the [b] Canon be before his Eyes to ſee to, if he will, leſt he miſtake.

[b] The Canon is the moſt eſſential Part of the Maſs, *viz.* from the End of the Triſagium till the Conſecration be ended. It is fairly intimated here that the Prieſts uſed to ſay this Canon without Book (of which ſee my *unbloody Sacrifice*, Part. 2. *Preface* p. 21. and Book p. 147) and even here the Prieſt is only permitted, not injoined to read it.

33. And that every Prieſt have a [c] Corporas when he celebrates Maſs, and a [d] Subumblem under his Alb, and every [e] Maſs Veſtment decently put on.

34. And

[c] A Linen Cloath in which to lay the Sacrament.

[d] I no where elſe meet with this Term. Mr. *Somn.* turns it *Subucula*. To me it ſeems ſo called, q. *Veſtis & Subumbilicalis*, to ſignifie the Amyt which as it had a Head-ſtall, and came over the Shoulders. So it was ſtreight about the Reins, *in renibus ſtringitur*, ſays *Durandus*, L. 3. c. 2.

[e] Here it may be ſeaſonable to mention the whole miſſal Attire of the Prieſt as we have it in *Durandus Lib. 3. c. 2.--7.* The Amyt before mention'd cover'd the Head, and Shoulders, incompaſs'd the Breaſt, and Reins, and was tied with two Strings: This was uſually the innermoſt Garment, but *Durandus* commends the Practiſe of ſome in wearing a Surplice over their own Cloths under the Amyt; next was the Alb embroider'd, made of fine Linen, or Byſſus, it was ſtreight, without any Surples, and had ſtreight Sleeves, it had a Head-ſtall, and cover'd the whole Body: Then the Girdle, next was the Stole, or Scarf, which came round the Neck, and down to the Knees on each ſide: over this was the Cheſible, or Planet, which was a Surpled Garment, ſtood upon the Shoulders, and at the Prieſts lifting up his Hands it open'd it ſelf on both ſides. Laſt was the Maniple, that was a Napkin or Handker-

chef

chef to be laid at his left Hand to wipe off the Sweat of his Face, and it was indeed neceſſary, that the Man under ſuch a Load of Habiliments ſhould be provided with this laſt too. And yet it were well, if theſe Habits were the greateſt Burden that the *Pope* laid on his Prieſts. *Durandus* further ſays, c. 1. of the ſaid Book, that the Archbiſhop had eight Veſtments, beſide the Ornaments of his Hands, and Feet, and c. 10. 11. after the Alb they put on a Tunic, and ſome two of them, and over the Tunic a Dalmatic, which he ſays, ſucceeded the Colobium of the Apoſtles: the Biſhop alſo had a Surcingle, which was an ornamental Addition to the Girdle. He mentions alſo the Pluvial, or Cope in this Chapter, but ſays it was uſed only on the gteater Feſtivals. He mentions alſo the Dalmatic of the Deacon, as ſtreighter than that of the Biſhop; and the Tunicle of the Sub-deacon as ſtreighter than the Dalmatic of the Deacon. Oſtiaries, Lectors, Exorciſts, and Acolyths, ſays he, go all in white, that is in Surplices, with an Amyt, an Alb, and Belt, c. 1. and having there mention'd the Name of the other Veſtments, he adds, ther is alſo a Surplice, which they who tend at the Altar, and other holy Offices ought to wear over their common Clothes.

34. And that every Prieſt take great Care to have a good Book, at leaſt a true one.

35. And that no Prieſt celebrate Maſs alone without one to make Reſponſes to him.

36. And that no Man take the Houſel after he hath broke his Faſt, except it be on Account of extream Sickneſs.

37. And that no Prieſt celebrate Maſs more than thrice at moſt in one Day.

38. And that the Prieſt have the Houſel always in a readineſs for them that may want it; and that he keep it with Diligence, and Purity, and take care that it does not grow ſtale: if it be kept ſo long, that it cannot be received, then let it be burnt in a clean Fire, and let the Aſhes be put under the Altar; and let him who was guilty of the Neglect diligently make Satisfaction to God.

39. And that a Prieſt never preſume to celebrate Maſs, unleſs he hath all things appertaining to the Houſel, *viz.* a pure Oblation, Pure Wine, aad Pure Water. Wo be to him that begins to celebrate unleſs he have all theſe; and wo be to him that puts any foul Thing thereto; as the *Jews* did, when they mingled Vinegar, and Gall together, and then invited Chriſt to it by Way of Reproach to him.

40. And that it never be, that a Prieſt celebrate Maſs, and do not eat the Houſel himſelf, or hallow again that which was hallowed before.

41. And that every Chalice, in which the Houſel is hallowed be molten, and that no Man hallow it in a wooden Chalice.

42. And that all things near the Altar, or belonging to the Church be very cleanly and decently order'd, and let [f] what is holy be laid up with Reverence, and let nothing come near it; and let a Light be always burning in the Church, when Maſs is ſung.

[f] Sax. halıgdom the Sacrament, or Relicks of Saints, or both.

43. And that no hallowed Thing be neglected, as Holy Water, Salt, Frankincenſe, Bread, or any Thing that is holy.

44. And that no Woman come near the Altar while Maſs is celebrating.

45. And that the Hours be timely notified by ringing [the Bells,] and that every Prieſt [g] then look out his Tide-ſong in the Church, and that Prayers be there diligently made in the Fear of God, and Interceſſions for all People.

46. And

[g] My Tranſlation is literal. Our Reformers in Preface to Book of Common-Prayer take notice how difficult it was to find out the daily Service in the old Books. Mr. *Somn.* turns the Words *ad cantum Eccleſiam petat.*

46. And that no [h] Mass-Priest, or Minster-Priest ever come within the Church-door, or into his [i] Stall without a Stole, at least that he don't minister at the Altar without his Vestment.

[h] The Mass-Priest is here, I suppose, the Secular, the Minster-Priest the Conventual: The Words of *Durandus L.* 3. *c* 5. are very apposit, *viz.* "Tho' the Priest may "baptize, and do other such like Offices without any "other Vestment, yet not without his Stole, unless in "Case of Necessity." And the Stole, or *Orarium* seems to have been the most antient officiating Habit. Mr. *Somn.* turns it the Surplice, but I take it to be a Mistake of that learned Man.

[i] Some say *Chancel*, but I see no just Reason for it.

47. And that no Ecclesiastic cover his Tonsure, nor permit himself to be Mis-shorn, nor his Beard to grow for any long Time, if he will have God's Blessing, and Sr. *Peter*'s, and [k] ours.

[k] Therfore these Canons were made by Bishops, or by one at least.

48. That all Priests be uniform as to the Feasts, and Fasts, and all bid them in the same Manner, that they may not misinform the People.

49. And that all Fasts be made meritorious by Alms, that is, that every one give Alms in Devotion to God, then is his Fasting more acceptable to God.

50. And that all Priests use the same Practise in relation to the Service of the Church, and [l] keep an equal Pace in the Church Service thro' the Course of the Year.

51. And

[l] Not using the Collect, Epistle, and Gospel for one of the later Sundays of *Epiphany*, or after *Trinity* on *Septuagesima*, or *Advent-Sunday*: These I mention as the most obvious Instances of Priests not keeping equal Pace with each other.

51. And that the Prieſt diligently inſtruct the Youth, and diſpoſe them to Trades, that they may have a Support to the Church.

52. And that Prieſts preach to the People every *Sunday*, and always give them a good Example.

53. And that no Chriſtian taſte Blood of any Kind.

54. And that the Prieſts remind the People of their Duty to God, to be juſt in Tithing, and other Matters, firſt the *Plow-Alms* fifteen Nights after *Eaſter*, and the Tithe of young Animals by *Pentecoſt*, and the Fruits of the Earth [m] by all Saints, the *Rome-fee* at *Peter-Maſs*, and Church-ſcot at *Martins-Maſs*.

[m] Yet by Law 3d of this King 957 Tithes of the Earth were to be paid by the Equinox. By the Way of paying them here mention'd they muſt probably firſt have been threſht, and cleaned, by the Way mention'd in the third Law they muſt have been paid, while in the Straw.

55. And that Prieſts ſo diſtribute the Peoples Alms, as both to render God propitious, and to diſpoſe the People to Almſdeed.

56. And that Prieſts ſing Pſalms, while they diſtribute Alms, and earneſtly charge the Poor to intercede for the People.

57. And [a] that Prieſts guard themſelves againſt over-drinking, and teach the ſame to other Men.

[a] The Senſe of this Canon ſeems not difficult, yet the Grammar of them is perplext. I will not be poſitive, that my Tranſlation is exact.

58. And that no Prieſt be a [b] common Rhymer

[b] I have tranſlated here as in the 41 Law of *Northumbrian* Prieſts 950, and Mr. *Somn.* here again ſays *cerevi-ſiarius*, *Potefex*. I ſhall not contend with any Man, who gives his Tranſlation the Preference, after ylſum *adde* oppe.nıð.

mer, nor play on the Muſick by himſelf, or with other Men; but be wiſe, and reverend as become his Order.

59. And that Prieſts guard themſelves againſt Oaths, [c] and that they earneſtly forbid them.

[c] In common Converſation.

60. And that no Prieſt too much love the [d] Company of Women, but love his lawful Wife, that is his Church.

[d] *Viciniam.* Somn.

61. And that no Prieſt be concern'd in falſe Witneſs, nor be Complice with a Thief.

62. And that a Prieſt ever [e] decline Ordeal, not an Oath.

[e] I underſtand bıræc, as ꝑoꝑrac, oþrac avoid or decline; not that the Prieſt was to avoid the miniſtring of Ordeal to others, but to uſe that Way of Purgation himſelf; for in Truth none but Slaves, and Perſons who had forfeited their Credit by Perjury were uſually put to this Purgation (See Law 3d of King *Edward* in *Lambard*) the Story of Queen *Emma* is a Fiction. Purgation by Oath was more reputable. *Somn.* puts a Q. on Sir *H. S*'s Tranſlation here.

63. And that a Prieſt do not make his Purgation againſt a *Thane*, without the *Thanes* [f] Fore-oath.

[f] Fore-oath hath ſeveral Significations: here I take it to mean that Oath, which the Informer, or Accuſer took *viz.* that he believed his Information to be true. And it was reaſonable, that if the *Thane* were known to be the Principal Party in impleading a Prieſt, he ſhould make ſuch Oath, before the Prieſt was put to his Purgation; and that it ſhould not be ſufficient that any of the *Thanes* under-agents gave their Oath in this Caſe.

64. And that no Prieſt be a Hunter, or Hawker, or Player at Dice; but [g] divert himſelf with his Book, as becometh his Order.

65. And

[g] Ply his Book, *Somn.*

65. And that every Prieſt teach them who confeſs to him, Penance and Satisfaction, and help them in doing it, and that they Houſel ſick Men, when ther is a Neceſſity, and alſo anoint them, if they deſire it; and after their Departure diligently cover them; and not permit any Undecency toward the Corps, but diſcreetly bury in the Fear of God.

66. And that every Prieſt have both Oil for Baptiſm, and for the anointing the ſick, and be ready [in miniſtring] of Rights to the People, and earneſtly promote Chriſtianity in every Reſpect, and both teach them well, and give them a good Example, then will Almighty God reward him in the Manner moſt deſirable to himſelf.

67. And that every Prieſt know to make anſwer, when he fetches the Chriſm, as to what he has done in Relation to the [h] Prayers for the King, and the Biſhop.

[h] What theſe Prayers were I know not, nor will I gueſs. It ſeems probable to me, that King *Edgar* approv'd of theſe Canons, and that he required his Biſhops to put them in Execution, and that Prieſts, when they fetch'd the Chriſm were to give Account how they had obſerved them, and if we add but one Letter to the *Saxonic* Word, and read ȝebeoðum, it will ſignify the Commands, or Injunctions of the King, and Biſhop; every one knows that ſuch ſlight Variations are very common in all ancient Monuments, eſpecially in the *Saxonic*.

A. D. DCCCCLXIII.

Penitential Canons.

Of Confeſſion.

PREFACE.

THE following Canons have no other Rubrick, yet it is evident they are a diſtinct Syſtem from the former. Ther are few or no Cenſures, or Puniſhments inflicted in the former Canons, here are certain Penances aſſigned for Sins of all Sorts. And by the Penance aſſigned to the Monks, and Clergymen for cohabiting with their Wives Can. 31, 40. *which is the ſame as for Murder, I ſhould think it was* Dunſtan *that compiled them, and that this Set of Canons might be called* Archbiſhop Dunſtan's Penitential; *and therfore I date them as made in the Second Year of his Preſidency;* viz. Sir H. S. Vol. 1. P. 456.

A. D. DCCCCLXIII.

1. When any one will confeſs his Sins, let him act like a Man, and not be aſham'd to acknowledge his Wickedneſs, and Crimes by accuſing himſelf; becauſe from thence proceeds Pardon: for without Confeſſion ther is no Forgiveneſs: for Confeſſion cures. Confeſſion juſtifies. *Lat.*

Here follows a [1] *Chaſm in the* MS. *and then theſe two ſhort Prayers, which were probably the Abſolution to be given by the Prieſt,* viz.

Let

[1] It ſeems probable, that at this Chaſm ther were intended to be inſerted various Forms of Abſolution, and till Copies of others were found the Form contained in the Text was thought ſufficient. I will as a Supplement to

to this Defect give my Reader one from the MS. in the Cot. Library, *Tiberius* A. 3. Fol. 1. The Book is of the Age of *Edgar*, or soon after. For it has his Picture, and St. *Scholastica*'s in its Front: the Absolution is as follows, "The Almighty God, who created the Heaven, "and the Earth, and every Creature, have Mercy upon "thee, and grant thee Forgiveness of all thy Sins, which "thou hast ever committed from thy being made a Chri-"stian to this Time thro' *&c.*

Let thy Mercy, O Lord, prevent this thy Servant, that all his Iniquities may be blotted out by a Speedy Indulgence, thro' Jesus Christ our Lord.

Hear I beseech thee, O Lord, the Prayers of thy Supplicants, who cry unto thee, I beseech thee, Lord.

Sax. 2. Let him that is a Physician to the Souls of Men, and takes Cognusance of their Deeds study Distinctions, and that Discretion, how he may lay Men under Penance for their Actions, and yet not pass a rash Condemnation upon them, nor make them despair, when they are willing to confess their Misdeeds: Especially let him hear him patiently. [b] Let his own Way [of doing it] be the Road, if he be willing, and know how humbly to confess his Deeds, and consider his Crimes.

[b] *Somn.* removes the Stop, as I have done, but he translates the Words *suum sit prudens consilium, si*---.

3. Inquire of him concerning his Manners, squeeze out his Crimes, represent [to him] his Deeds, and beware that thou pass not the same Judgment on the Rich, and the Poor, the Freeman and the Slave, the Old and the Young, the Healthy and the Sickly, the Humble and the Proud, the Strong and the Weak, the Ecclesiastic and the Layman.

A wise Judge will discreetly make Distinctions as to every Action, how it was done, and where or when. Wrong is never allowed at any Time: Yet

Yet a Man should also especially guard himself on Festival and Fasting Days: And as a Man is of greater Power and Quality, so he ought to make deeper Satisfaction both to God, and the World, for wrong done; therfore the mighty and the mean Man, the Healthy and the Sickly ought not to have the same Burden; and therfore a Man is to judge with Moderation, and discreetly to distinguish.

4. After this let [the Penitent] humbly rise to his Shrift, and first say, "I believe in the Lord, "the Supreme Father, the Governour of all things, "and in the Son, and in the Holy Ghost; and I "believe Life after Death, and I believe that I am "to arise at Dooms-day: And all this I believe "shall come to pass thro' God's Power and Mer-"cy.

5. And then meekly bowing to his Shrift with Contrition, and a sorrowful Mind, let him humbly rehearse his Confession, and say, "I confess to Al-"mighty God, [c] and to my Shrift the Ghostly "Physician all the Sins, with which I was ever de-"filed by accursed Spirits, either in Deed, or in "Thought, either with Men, or with Women, "whether according to Nature, or contrary to Na-"ture.

[c] It is evident the fashion of confessing to Angels and Saints did not yet prevail.

6. "I confess Intemperance in eating and drink-"ing, early and late, all Manner of Lust, Evil-"speaking, Envy, Doubling, Lying, Vainglory, "Idle-words, Prodigality, and all the Luxury, which "ever befel my unruly Body. I confess, that I "have too often been a [d] Contriver of Sin, a Con-"senter to Sin, a Complice in Sin, a Teacher of "Sin.

7. "I

[d] Read þýnhra not þihra. *Somn.*

7. "I confeſs Murder [committed] by my Mind, "Perjury, Unpeaceableneſs, neglect of God's De- "nunciations. I confeſs all that I ever ſaw with "mine Eyes [tending] to Covetouſneſs, or Evil- "ſpeaking, all that I ever heard with mine Ears, "[tending] to Superfluity, or ſpake with my Mouth "[tending] to Superfluity.

8. "I confeſs all the Sins of my Body, by my "Skin, by my Fleſh, by my Bones, by my Sin- "news, by my Reins, by my Griſtles, by my "Tongue, by the Lips, by the Palate, by the "Teeth, by the Hair, by the Marrow, by every "thing ſoft or hard, wet or dry. I confeſs I have "kept my Baptiſm worſe than I promis'd to "my Lord; [e] of my Orders which I ought to have "garded to the Praiſe of God, and his Saints, and "to my own eternal Salvation. I have been too "negligent. I have often been tardy at my Tide- "ſongs. I have ſworn falſe Oaths [f] *in animam Do- "minorum meorum*, and have taken the Name of "God in vain.

[e] This Part of the Confeſſion relates to Clergy-men only.

[f] So I turn Minpa blaſonða life. *Somn.* turns theſe and the remaining Words of this Canon; *Dominorum meorum vitam, & Domini nomen in vanum accepiſſe.* I rather think it is to be underſtood of the old Way of Procurators (ſuch Clergymen much affected to be of old) ſwearing inſtead of their Principals, which is juſtly for- bid by *Can.* 132 of thoſe publiſht 1603.

9. "I beg of my Lord Forgiveneſs of all; and "that the Devil may never inſidiouſly ſurprize me, "ſo as that I die without Confeſſion, and Satisfa- "ction for my Sins; as I this Day confeſs all my "Guiſt before my Lord and Saviour Chriſt, who "governeth Heaven and Earth, and before this "Holy Altar, and theſe Relicks, and before my "Shrift, and the Lord's Maſs-Prieſt; and am in [a State]

" State] of pure, and sincere Confession; and in a " good Disposition to satisfy for all my Sins, and " to abstain from the like, so far as I ever can.

" And Thou, O Saviour Christ be merciful to " my Soul, and forgive my Sins, and blot out my " Guilt, which I have now, or ever before con- " tracted, and bring me to thy supernal Kingdom, " that I may there dwell with thy Saints and Elect " without End, Eternally. Now I humbly beseech " thee, O Priest of the Lord, that thou be my " Witness at Doomsday, that the Devil may not " prevail against me, and be thou my Intercessor " with God, that I may satisfy for my Sins and " Guilt, and abstain from other such like. The " Lord assist me in this, who liveth and reigneth " without end for ever. *Amen.*

The Manner of imposing Penance.

Sir *H. S*'s numbring

10. If any one commits any Fault unwillingly, he be old, or young, rich, or Poor, healthy, or sickly, and of what Rank soever, he is not to be compared to him, that commits it of choice, and self-will; he who does amiss thro' Compulsion always deserves Excuse, and a more favourable Doom in that he did it of Necessity so far as he did it. 1.

11. Every Action is warily to be distinguish'd both in regard to God and the World. 2.

THE [g] RITES OBSERVED BEYOND SEA.

[g] þeapar not þeopar *Somn. Dunstan* probably brought these Canons from *France*, where he lived in Exile.

12. Every Bishop shall be in his Episcopal Chair, on the [h] *Wednesday* called *Caput jejunii*; then every one 3.

[h] *Ash-Wednesday.*

one that is defiled with capital Crimes ſhall come to him by Day, and declare his Sins; and then he directs a Satisfaction to every one according to the quality of his Crimes. He ſeparateth from the Communion of the Church thoſe who deſerve it; and yet exhorts and perſuades them to their own neceſſary Duty. Then [the Penitent] with [the Biſhop's] Leave goes Home.

4. 13. Again on the *Thurſday* before *Eaſter* all meet at the ſame Place, and then the Biſhop ſings over them, and gives them Abſolution; and they afterwards return home with the Biſhop's Bleſſing. This is thus to be obſerved by all Chriſtian People.

5. 14. Yet the [i] Prieſt ought diligently to enquire with what Compunction and Exactneſs the Penitent performed the Satisfaction that had been injoined him, and to give him Abſolution accordingly.

[i] Clearly the Biſhop, and this is an uſual way of Speaking.

6. 15. If one Lay-man ſlay another without Cauſe, let him faſt ſeven Years [k] on Bread and Water, and four as his Shrift directs him; and after the ſeven Years Satisfaction, always earneſtly lament his Crime ſo far as he is able: for it is not known how acceptable his Satisfaction has been with God.

[k] Here ought to be added *Three*.

7. 16. Let him who would kill another, but could not fulfil his Deſire, faſt three Year, one in Bread and Water, and two as his Shrift directs.

8. 17. If a Lay-man kill another, againſt his own Will, let him faſt three Year, one in Bread and Water, and two as the Shrift directeth, and let him ever lament his Miſdeeds.

9. 18. If it be a Sub-deacon, let him faſt ſix Year, if it be a Deacon ſeven, if it be a Maſs-Prieſt ten, if it be a Biſhop twelve Year, and ever lament it.

19. If

19. If one kills his own Child againſt his own Will, let him faſt five Years, three in Bread and Water----as above. 10

20. If a Biſhop or Maſs-Prieſt kill a Man, let him forfeit his Orders, and ever earneſtly make Satisfaction. 11

21. If a Woman murder the Child within her, or after it is come forth with a drink, or with any other kind of thing, let her faſt ten Year, three in Bread and Water, and ſeven as her Shrift in Mercy directs her, and ever lament it. 12

22. If one ſlay his [l] Slave without Cauſe out of a preſent Fury, let him faſt three Year. 13

[l] Mr. *Somn.* had turn'd æhc *perſecutorem*, but he croſs'd it out.

23. [m] If a Wife beat her Husband out of any Matter of Jealouſie, and he be dead, and She her ſelf be innocent; yet let her faſt three Years, and ever lament her Miſdeeds. 14

[m] Sir *H. S.* turns it. *If a Man beat his Wife*, and ſo on *mutatis mutandis*. I pretend not to determine what Tranſlation is moſt juſt, which is not to be done upon any certain Grounds by Reaſon of the Looſneſs of the Pronouns here uſed. But I muſt obſerve, that the Words *if he*, or *ſhe be innocent* muſt be underſtood of the Party ſlaying, and in Relation to the keeping the Bed undefiled, not to the Murder, for without this Suppoſition, I know not what the Particle *yet* does here.

24. If a Man wilfully kill himſelf, with a Weapon, or thro' any Inſtigation of the Devil, it is not allowed to ſing Maſs for ſuch an one, nor that his Body be committed to the Earth with Pſalmody, nor that it be buried in an Holy Place; the ſame Doom belongs to him that loſeth his Life as a Puniſhment for his Crimes, that is the Thief, and Murderer, and Traitor to his Lord. 15

16. 25. If one defile himself with a Beast, or one Man with another, if he be twenty Winters old, let him fast fifteen Winters. If the Man hath a Wife, and be forty Years old, and practise such a thing, let him desist, and fast during Life. And he is not to presume to receive the Lord's Body till the time of his Death. The Young, unknowing Man that doth such a thing shall be severely scourged.

17. 26. Let the Wife or Husband that breaks Wedlock, fast thrice a Week on Bread and Water for seven Years.

18. 27. He that relinquisheth his Wife, and taketh another Woman breaketh Wedlock. Let none of those Rights which belong to Christians be allowed him, either during Life, or at his Death, nor let him be buried with Christian Men: and let the same be done to a [delinquent] Wife: And let the Kindred that were present at the Contract suffer the same Doom, except they will first be converted, and earnestly make Satisfaction.

19. 28. Let no Priest perform any Rights belonging to Christians, to him that hath a Wife and a Concubine, except he will be converted so as to make Satisfaction: whether it be a Wife or a Concubine, let him be under the same Restraint.

20. 29. If a married Man defile the lawful Wife of another, or a Wife [lie] with another Woman's lawful Husband, let [them] fast seven Years: three in Bread and Water, and four as the Shrift directs. And let them ever bewail their Crime.

21. 30. If any Woman takes two Brothers for her Husbands, one after the other, [a] let them be parted, and be very diligent in their Satisfaction, so long as they live, according as their Shrift directs. But at their Departure, let the Priest perform the Rights of Christians to them, if they promise, that they

[a] Sax. to--to man hi.

they would lengthen their Satisfaction, if they might live longer.

31. If one continue in such unlawful Marriage to his Lifes End without Cessation, we know not how to resolve upon any Determination, but that it be [b] reserved to the divine Doom. They cannot be absolved. 22.

[b] Sax. æt Godes dom gelang. *Differatur ad Judicium Dei.* Somner.

32. If a Woman be married, it is not allowed that any other Man bereave [the Husband] of her. If any one do it, let him be excommunicated. 23.

33. If one by his Subtilty force a Woman, or Maid to unrighteous Copulation, against her Will, let him be excommunicated. 24.

34. If one seduce another Man's Domestic from him for carnal Purposes, with his [c] Gins, and lies with her against her Will, if he be an Ecclesiastic, let him forfeit his Orders, if he be a Layman, let him be excommunicated from all things that belong to Christians. 25.

[c] Sir *H. S.*'s Translation, supposes that an Ecclesiastic might charm a Woman with Locks of his Hair, whereas he was really to have his Hair so short, as to have no Locks properly so call'd. And the Picture of any old Ecclesiastic will sufficiently prove, that their Hair could never strike the Fancy of a young Woman: Therfore I rather understand the Word *Loccum* of some trickish Lock or Bolt, which any one could shut, but none excepr the Person that was well acquainted with it could open, and by which Men given to vitious Amours might make young Women their Prisoners.

Since my writing this I have found the first Words of this Canon transcribed out of an *Oxf.* MS. by Mr. *Wanley* in his Catalogue p. 53 *ad calc.* save that for *loccum*, he has loc-ppencum, and tho' Mr. *Somn.* passes over this Place in his Annotations on Sir *H. S.* yet he has loc-ppencaf in his Dictionary, and turns it *versutiæ*, &c.

26. 35. If any Maid be betrothed, and in the mean time be taken captive, or by ſome Occaſion driven away from him to whom ſhe was betrothed, and it happen that ſhe comes into the Sight of him, they may remain together for the Future. For ſhe was abſent from him againſt her Will.

27. 36. If a religious Woman turn herſelf to ſecular Vanity, and betake herſelf to the Retinue of ſome Family, and thinks that with her Wealth ſhe may make Satisfaction for having incurr'd the Divine Wrath, this is nothing: but let her forſake her carnal Life, and live as her Shrift directs her, and diligently make Satisfaction for her Crime.

28. 37. If a Maſs-Prieſt, or a Monk kill a Man, let him forfeit his Orders, and faſt ten Years on Bread and Water, and for five [Years] three Days in the Week, and on the other Days let him injoy his Meat, but ever lament his Crime.

The Deacon eight Year, [five] in Bread and Water, the [d] other——.

[d] Q. of the Word curum.

The Clerk ſix Years, four in Bread and Water.

The Layman five Years, three in Bread and Water—as above.

29. 38. [e] If one ſlay an Eccleſiaſtic, or his own neareſt Kinſman, let him leave his Country and Eſtate, and do as the *Pope* directs, and ever lament it.

[e] This was a Caſe in other Places reſerved to the Biſhop only in this Age. But *Dunſtan* was a flaming Papalin, and to make ſome amends to the Clergy for depriving them of their Wives, he made the murdering of their Perſons more penal than it was before. It ſeems to have been an hundred Years at leaſt from this time, before this Practice took Place in other Countries.

30. 39. If a Maſs-Prieſt, or Monk practiſe Uncleanneſs, or break Marriage, let him faſt ten Years, and

and ever lament it. A Deacon seven, a Clerk six, a Layman five, [f] as before.

[f] So *Som.* f. ꝼꝑa beꝼoꝛ See *Can.* 37.

40. If a Mass-Priest, or a Monk, or Deacon had a lawful Wife before he was ordained, and dismisses her, and takes Orders, and then receives her again [g] by lying with her, let every one of them fast as for Murder, and vehemently lament it. 31.

[g] *Per concubitum*, Som.

41. If a Mass-Priest, or Monk or Deacon, or Clerk, or Layman lie with a Nun, let them fast as those of their Rank ought to do for Murder, and ever forbear Flesh; and let the Nun [fast] ten Years as the Mass-Priest, and ever lament it. 32.

42. If any Man would lie with a Nun, and she refuse, or with the lawful Wife of another, and she refuse, let him fast one Year in Bread and Water, for his unlawful Desire. 33.

43. If any Man would lie with another Man's lawful Wife, and she refuse, let him fast [h] three *Lents* in Bread and Water, one in Summer, a second in Harvest, a third in Winter. 34.

[h] Ther were of old for some time, and in some Churches, particularly in the *English*, or rather among the more superstitious Part of the People, three *Lents* observ'd, beside the great one before *Easter*, viz. before St. *John Baptist*'s Nativity, *June* 24. in Summer, before the Assumption of the Virgin, *Aug.* 15. in Harvest, and *Advent* in Winter; but they were not Fasts of forty Days.

44. If a Man desire to lie with [any] Woman unlawfully, let him fast forty Days on Bread and Water. 35.

45. [i] If one steal another Man's Daughter, let him make Satisfaction [k] to [her] Friends, and let 36.

[i] Literally. *If one bereave another Man of his Daughter.*

[k] *Cum puella amicis*, Som.

them both faſt on *Wedneſday* and *Fryday*, for one Year, and on other Days enjoy their Meat without Fleſh, and let them be lawfully married,

37. 46. If one defile himſelf with a Beaſt, let him faſt fifteen Year, eight in Bread and Water, and for [the other] ſeven Years [let him faſt] three *Lents*, and on *Wedneſday* and *Fryday*, ſo long as he lives, and ever lament the Crime.

38. 47. If one wilfully defile himſelf, let him faſt three Lents for three Years, every Year in Bread and Water, and forbear Fleſh every Day but *Sunday*.

39. 48. If one deſtroy another by Witchcraft, let him faſt ſeven Years, three in Bread and Water, and the [other] four Years, three Days in a Week in Bread and Water, and ever lament it.

40. 49. If one drive a [1] Stake into a Man, let him faſt three Years in Bread and Water, but if the Man be dead by means of the ſtaking, then let him faſt ſeven Years, as is here written, and ever lament it.

[1] For Sir *H. S.*'s ȝæcan, and ȝac. Mr. *Som.* puts in his Margin ȝtac, and ȝtacunge. It is none of his own Conjecture; for then he would have explain'd his meaning. But it was a MS. Reading, which he had not with himſelf determin'd how to tranſlate, and therfore ſays nothing. I only gueſs from the Similitude of the ancient and preſent Name, that it ſignifies a *Stake*. It is certainly a magical Phraſe, for the foregoing and following Canons are againſt Witchcraft. Witches are ſaid to burn, or run Pins and Nails into others by performing thoſe Actions upon the Images (made of Wax or Clay) of the Perſons whom they would hurt. By the ſame Way, and according to the ſame Way of Speaking, they might drive Stakes into them.

41. 50. If one by Witch-craft cauſe love in another, and give it him either at Meat or Drink, or by Charm,

Charm, [m] ſo that by this means their Love is increaſed; if it be a Layman, let him faſt half a Year on *Wedneſday* and *Fryday*, and on other Days enjoy his Meat, excepting Fleſh: if it be a Clerk, let him faſt a [whole] Year, as above in Bread and Water, the Deacon three Year, as above: the Maſs-Prieſt five Year, two in Bread and Water, and then for four Years every *Fryday* in Bread and Water, and let him forbear Fleſh on other Days.

[m] Mr. *Som.* here adds to the Text, Þ hiꝑa luꝑe ꝓoꝛ-Þon Þe maꝑe beon ꝛcyle.

51. If any one foully defile himſelf with any thing againſt Nature, contrary to God's Creation, let him lament it ſo long as he lives in Proportion to the Fact. 42.

52. If one in his Sleep overlay his Child, ſo that it is dead, let him faſt three Years, one in Bread and Water, and for the [other] two Years three Days a Week, and if it were thro' Drunkneſs, let him make deeper Satisfaction, as his Shrift directs; and ever lament it. 43.

53. If a Child being ſick die a *Heathen*, and [a] it were along of the Prieſt, let him forfeit his Orders, and earneſtly make Satisfaction, if it hapned thro' Neglect of Friends, let them faſt three Years, one in Bread and Water, the two [other] Years, three Days a Week. 44.

[a] Sax. on Þꝛeoꝛꝛ ȝelanȝ ꝛẏ. *Ex procraſtinatione, vel mora Sacerdotis*, Som.

54. If one ſell a Chriſtian Man into an *Heathen* Country, let him be uncapable of any thing that belongs to Chriſtian People, unleſs he redeem him whom he had ſold abroad; if he cannot do that, let him diſtribute the whole Price of the Man for God's Sake, and buy another with other Mony, and then ſet him at Liberty, and add thereto three 45.

Years

Years Satisfaction, as the Shrift directs. And if he hath no Mony to buy a Man with, let him make the deeper Satisfaction.

46. 55. If a Man have undone himself with manifold Sins, and afterwards, be willing to desist from them, and earnestly to make Satisfaction, let him betake himself to a Monastry, and there diligently serve God and Man for ever, as he shall be directed, or let him travel abroad far from his own Country [in Pilgrimage] and ever be making Satisfaction so long as he lives, and so recover his Soul: or at least let him make the deepest Satisfaction in [his own] Country, that he can come to the Knowledge of, according as he shall be informed.

Sir *H. S.* Vol. 1. p. 468.

Of Satisfaction for Sin.

1. 56. The necessary Assistance of a Man of God, is very effectual for [the Cure] of Sin in Penance: even as the Recovery of a sick Man is [what depends] on a good Physician.

2. 57. Men are full often [b] abundantly guilty thro' the Impulse of the Devil; but this is horrible, that Ecclesiastic Men are so exceedingly guilty before God as to vitiate their Orders.

[b] Lyrtlice, not Lyrt---

3. 57. And ther ought in this Case [c] to be a rigid Satisfaction for Sin, yet always [d] according to the Quality of the Person, and the Guilt, agreeably to Canonical Discipline; and diligent Enquiry ought to be made for it in Proportion to the Power and Quality of the Man, and his voluntary Contrition of Heart. Let some make a Years Satisfaction, some several Years; and again according to the Degree of the Guilt, some a Month's Satisfaction, others,

[c] I read to-beon not bote.

[d] be, not he *Som.*

others several Months; some a Week's Satisfaction, others several Weeks; some one Day's Satisfaction, others several Days; and some, all the Days of their Life.

58. The Physician that is well to cure a sore Wound, must use good Salve: Ther are no Wounds so bad as those of Sin: because, by means of them a Man incurrs eternal Death, except by Confession, and Abstinence, and Satisfaction he be cured. 4.

59. Then the Physician that is to cure these Wounds must be [e] wise and wary. They must principally be cured with good Doctrin; and by that means bring it to pass, that the Poison that is within them be cleansed away; that is, that he first clear himself by Confession. 5.

[e] ꝑıꝛ, not ꝑıꝛ. *Somn.*

60. All Men shou'd wipe away their Sins thro' good Doctrin with Confession, even as a Man does Poison by a good Potion. 6.

61. Nor can any Physician work a good Cure till the Venom is out, [f] nor any Man direct them to Satisfaction, who refuse to confess; nor can any Man make Satisfaction for Sin without Confession: Much more can he be well healed, who hath taken Poison, except he cleanse it well out. 7.

[f] Here is an unnecessary repetition of some words in Sir *H. S*'s Text. *Somn.*

62. After Confession a Man may soon merit God's Mercy, by Satisfaction; if he do with inward Heart grieve for what he is repenting of, *viz.* that he thro' impulse of the Devil ever committed Evil. 8.

63. Discreet Satisfaction is of very great moment in Penance, as necessary Medicine also is in a good Physician; and enquiry must be made for it in proportion to Mens [Evil] Works, according 9.

to,

to Canonical Diſcipline : and it muſt be temper'd according to Mens Strength, and in proportion to the contrition of Heart, and the voluntary earneſtneſs that is perceived in them.

10. 64. Deep Satisfaction is this, that a Lay-man lay aſide his Weapons, and travel far away, and not be a ſecond Night in the ſame place, and Faſt, and Watch much, and Pray earneſtly Night and Day, and wear Woollen, and be Unſhorn, ſo as that no Iron come upon his Hair, or Nails.

11. 65. That he come not into a warm Bath, nor a ſoft Bed, nor taſte any Fleſh, nor any thing that is intoxicating, that he come not within a Church (tho' he zealouſly enquire after Holy Places) and declare his Guilt, and earneſtly beg Prayers for himſelf, and kiſs no body, but be always vehemently bewailing his Sins.

12. 66. Let him that thus condemns himſelf, proceed in a Penitential manner. And happy is he, even if he awake no one elſe [to do the ſame] in that he is making full Satisfaction : foraſmuch as ther is no Man in the World ſo involv'd in Sin, but that he may make Satisfaction to God, ſo that he undertake it in earneſt.

13. 67. Satisfaction for Sin is injoin'd in ſeveral Modes, and much of it may be redeem'd by Almſdeeds.

14. 68. Let him that hath Riches rear Churches to the Praiſe of God, and endow them according to his Abilities, and give them Lands, and let [s] Inferior [Clergy-men] be brought thither, there to officiate for him, and daily to miniſter to God; and let him repair God's Churches every where, accor-

[s] Geonge-men, ſays Mr. *Somner*; which he renders *Vicarios, Subſtitutos.* I conceive he could not mean *Vicars*, in the preſent ſenſe of the Word : for ther were not yet any Impropriations. But the word ſignifies any *Inferiors*. *See Sir* H. S.'s *Gloſſ. Juniores.*

according to his Abilities; and let him repair the publick Roads, with Bridges over deep Waters, and foul Ways; and diligently distribute what he has for God's Sake, according to the utmost of his Power. Let him assiduously relieve the Poor, the Widow, the Step-child, the Stranger. Let him free his own Slaves, and redeem Slaves from other Men in order to free them: and especially let him take Pity on such as are plundred, and give Meat and Cloths, and House-room, Firing, Bath, and Bed to them who want it, and let him diligently for his own Benefit procure on all Hands the Assistance of Prayers in Masses and Psalmody; and chastize himself very severely with Abstinence from Meat and Drink, and every bodily Lust.

69. And further, if he be one of less Substance, ler him diligently do what he can according to his Power. Let him pay Tithes of all that he hath in [h] Devotion to God; and travel as often as he can, and frequent the Churches with his Alms, and salute Holy Places with his [i] Light, and give Hospitality, and Meat and Protection to them that want it; and afford Fire and Food, and Bed and Bath, and Clothing and Succour to Poor Men, if he can do it in any Measure. 15.

[h] eſt not eſt. *Somn.* And the same Correction is to be made in one or two places more.

N.B. This was a voluntary Tithing of all a Man's Estate, not a Tithing of the Fruits of the Earth yearly renewing.

[i] Lamp, or Candle.

70. Let him visit the sorrowful and sick with Relief, and bury the Dead in Devotion to God, and kneel down often in secret, and often vehemently extend his Limbs on the Ground, and fast, and watch, and pray full oft, and earnestly by Day and Night, 16.

And

And let him who hath yet leſs Ability do according to his Condition what he can: at leaſt let him afflict his Body by Way of Retaliation for Luſt. If he formerly obſequed the Devil thro' Effeminacy, now let him faſt by Way of Retaliation for what he hath unrighteouſly committed thro' Intemperance. Let him watch and labour by Way of Retaliation for his former frequent overſleeping and Sloth, when he ought not, and of his immoderate Waking to vain Purpoſes. Let him endure the Cold, and the Cold-bath by Way of Retaliation for that Self-Indulgence, which he hath at any time committed. And if he hath [k] wilfully offended any Man any where by Wrong-doing, let him diligently make Satisfaction. And if any Man hath provok'd him to be angry, let him with all his Might make Satisfaction [for his Anger] ſuch as may be ſufficient by Way of Retaliation for every Sin, which thro' a Diabolical [l] Principle was formerly rife within him. And if he hath carried any Man beſide himſelf out of the Way, let him endeavour to bring him into it again; what [m] I mean is, if he hath ſeduced any Man to Sin, let him reclaim him, as it greatly concerns him, and lead him into his right Way.

[k] ȝeþealbeſ, not þeolbe.

[l] þæs not þæs. *Somn.*

[m] By this one wou'd think theſe Canons were drawn by ſome ſingle Prelate, as Sir *H. S.* ſeems alſo to hint.

17. 71. The Man who is willing uniformly to deſiſt from his Sins, and to make Satisfaction for them may with his Shrifts Advice paſs this Sentence on himſelf. Let him diſtribute all that he hath in Devotion to God, and wholly relinquiſh all, his Home and Country, and all that he loves of this World, and ſerve his Lord, Day and Night, and belabour himſelf as much as poſſibly he can by Way of Retaliation

taliation for his Luſt, all the Days of his Life. What can he do more, but to reduce all Men to right, as well as himſelf, ſo far as in him lies?

Here let us declare how infirm Men may redeem their Faſting.

72. One Day's faſting may be redeem'd with a Peny, or with two hundred Pſalms. A Year's Faſting may beredeem'd with thirty [a] Shillings, or [b] with freeing a Slave that is worth that Money. A Man for one Day's Faſting may ſing [c] *Beati* ſix times, and ſix times *Pater Noſter*. And for one Day's Faſting let a Man bow down to the Ground with *Pater Noſter* ſixty Times. And a Man may redeem one Day's Faſting, if he will proſtrate himſelf on all his Limbs to God, in Prayer, and with ſincere Grief, and ſound Faith ſing fifteen times [d] *miſerere mei Deus*, and fifteen times *Pater Noſter*; and then his Penance for the whole Day is forgiven him. 18.

73. A

[a] It ſeems evident that the Shilling here mentioned contained Twelve-pence, for the Redemption of the Faſting was at the rate of a Peny a Day, and twelve times thirty is 360, the odd five Days coming not into the account.

[b] In King *Ina*'s Time a Slave was worth ſixty Shillings, or fifty at leaſt. See his Laws, 693, N. 3 and 8, now the common Price was thirty Shillings, and therfore by freeing one of them, but one Year's Faſting was diſcharged at a Peny a Day. By this one wou'd, *primâ facie*, apprehend, that the Devaſtations of the *Danes* had ſo leſſened the Coin of the Nation, as to increaſe the value of it by one half. And ſee 950. No. 24. to the ſame purpoſe. Yet if the Shilling did now contain Twelve-pence, as I have obſerved at *Note* [a], and if the Peny were ſtill the ſame, then thirty of *Edgar*'s Shillings were worth above ſeventy of *Ina*'s.

[c] The CXIX Pſalm.

[d] The LI Pſalm. The Reader will obſerve, that ther is no mention of *Ave Maries*, or Prayers to any Saints.

19. 73. A Man may complete ſeven Years Faſting in twelve Month, if he ſing every Day a Pſalter of Pſalms, and another in the Night, and fifty in the Evening. [c] with one Maſs twelve Days Faſting may be redeem'd; and with ten Maſſes four Months Faſting may be redeem'd, and with thirty Maſſes twelve Months Faſting [may be redeem'd] if a Man will intercede for himſelf, and confeſs his Sins to the Shrift (with a ſincere Love of God,) and make Satisfaction as he directs, and diligently ceaſe from them for ever.

[c] One wou'd think by this, that Twelve-pence was now the ſtated Price of a Maſs. For a Peny was a Commutation for one Day's, and one Maſs for twelve Days. But if one of their Pence was three of ours, then one of their Shillings was three of ours. I am aſſured that the Price of a Maſs is under Twelve-pence of our preſent Money. Upon the whole we may well ſay, nothing ſo uncertain as the value of old *Engliſh* Money before the Conqueſt.

Of very Wealthy Men.

20. 74. [f] Thus may a very wealthy Man, and one that abounds in Friends make his Satisfaction much more eaſy by the Aſſiſtance of his Friends. Firſt in God's Name, and under the Teſtimony of his Shrift let him manifeſt his ſound Faith, and forgive all that have ſinn'd againſt him, and perform his Confeſſion without any Balks, and promiſe to deſiſt, and make Satisfaction with Weeping and Wailing.

[f] Compare this with Can. 27. of *Cloveshoo* 747. And ſee the degeneracy of Diſcipline.

21. 75. Then let him lay aſide his Weapons, and all his vain Pomp, and take his Staff in his Hand and let him ſeriouſly walk Barefoot, and put woollen [g] on his

[g] I take l'haipan here to be the addition of ſome *Norman* Hand, and the l' ſhews it ſo to be.

his Body, and not go into Bed, and do it seven Years by Tale. Let it thus be completed in three Days. First, let him take to his Assistance twelve Men, and let them fast three Days in Bread and raw Herbs and Water; and let him by all possible Means procure seven times an hundred and twenty Men to fast for him three Days, then are ther as many Fasts kept as ther are Days in seven Years.

76. When the Man fasts, let him distribute all the Entertainment, which he himself should have injoy'd to all God's Poor, and let him lay aside all worldly Business for the three Days of Fasting, and frequent the Church Night and Day, as oft as possible, and watch there with Alms-light, and call on God, and pray earnestly for Forgiveness, with Weeping and Wailing, and often kneel before the Sign of the Cross; and sometimes in an erect Posture, sometimes prostrating himself on the Ground. And let the Great Man diligently learn to shed Tears from his Eyes, and to weep for his Sins; and let him feed as many Poor as possible, for those three Days, and on the fourth Day let him bathe them all, and distribute Provision and Money; and in his own Person make Satisfaction for his Sins, by washing of their Feet. And let Masses be said for him this Day, as many as can possibly be procured: And at the time of the [h] Masses let Absolution be given him, and then

[h] æt þaner ıtemærtan, *at the last of them.* Somn. I cnn give no account how it shou'd come to pass, that the Absolution here is directed to be given after the Penance was done: It is evident that in this Age Absolution was generally given so soon as the Offender submitted, and promised to do injoined Penance. I can give no Account I say how it came to be otherwise order'd here, unless it may be supposed, that *Dunstan* translated these Canons from some old *French* Copy written before this new Practise of giving Absolution before the Penance was performed

performed, did yet prevail. It is evident from the Canon of *Cloves-hoo*, that this Sham-penance was an Invention of two hundred Years ſtanding before *Edgar*'s Reign: and it was probably of *French* Original; from thence *Dunſtan* brought over this fantaſtic Mode, and blindly followed his Author, without making ſuch proper Variations as Change of Times and Things required.

let him go to Houſel, [i] unleſs he be yet involved in ſo much Guilt, as that he ought not to receive it; at leaſt let him promiſe that he will always from that time forth do the Will of God, and deſiſt from the contrary by the Divine Help in the beſt Manner that he ever can; that he will retain Chriſtianity, and wholly abandon all *Heatheniſm*; and rectify Mind and Manners, Word and Work with all Diligence; that he will advance all that is right, and deſtroy all that is wrong, thro' the Help of God, as earneſtly as he can. And he who performs what he promiſes to God does it to the beſt Advantage in his own Perſon.

[i] Strange! that any Doubt ſhould be made whether he who had done ſeven Years Penance, and received Abſolution, were fit for the Communion. It is evident that the Author of this Mock-penance did not put Truſt in his own Invention. See the next *Canon*.

23. 77. This is that Softning of Penance, which belongs to Wealthy Men, and ſuch as abound in Friends; but one in a lower Condition cannot make ſuch Diſpatch; but therfore he muſt purſue it in his own Perſon with the greater Earneſtneſs. And it is moſt righteous, that every one revenge his own Crimes on himſelf by diligent Satisfaction; for it is written, *Every one ſhall bear his own burden.*

The Story of King Edgar's *deflow'ring a Nun of* Wilton *is well known; by this he incurred ſeven Years Penance, as in caſe of Murder, by the* 41st *of the foregoing Canons: And our Hiſtorians ſay, that King* Edgar

gar *did accordingly submit to the seven Years Penance, which was enjoined him by* Dunstan. *And if* Dunstan *accepted of such a Mock-Penance as is described in* Can. 75. 76. *it was no hard matter for the King to perform it. He not wearing his Crown during those seven Years, was a more bold atd unreasonable Injunction on* Dunstan's *Part, and a much greater Mortification to the King himself. An Earl of King* Edgar's *also fell under* Dunstan's *Censure for an Incestuous Marriage. Neither the King, nor the Pope could prevail on* Dunstan *to give him Absolution, till the Earl, in the Habit of a Penitent came into a Synod called by* Dunstan, *and threw himself down at the others Feet, and craved, and received Absolution: But notwithstanding this, he was, according to the Method of that Age, to do his Penance: and the Method above described was an easy and compendious way of doing it. It must be owned, that this was an abominable Corruption of Discipline; yet not so great a Corruption, in my Opinion, as the want of all Discipline against Mighty Offenders.*

A. D. DCCCCXCIV.

THEODULF'S Capitula.

The Capitula of an unknown Biſhop, as Sir H. S. *calls them, following thoſe of* Elfric *in the* Bennet MS.

PREFACE.

IF *the following Capitula were to bear the Date of their firſt Author, I muſt have placed them near* 200 *Year backward; for they were compoſed in Latin by* Theodulf, *who was prefer'd to the See of* Orleans *in* France, *toward the latter End of the eighth Century.* Baronius *puts them in the Year* 835, *which is too late by far, you have them alſo in the* 7th *Tome of the Councils. But I inſert them here not as a* Latin *or* French *Compoſition, but as the* Engliſh *Tranſlation of an old* Saxon *Tranſlation, made undoubtedly by the ſame* Elfric, *whoſe Charge or Canons I have given to my Reader at the Year* 957. *Theſe I preſume were tranſlated by* Elfric *for his own Uſe, when he was advanced to the See of* Wilton, *in the Year* 994, *or at fartheſt the next Year, when he became Archbiſhop of* Canterbury. *Sermons, which he confeſſes to be Tranſlations from the* Latin.

N. B. *The Reader will not wonder that he finds theſe Capitula among the National and Provincial Laws, and Proviſions, when he conſiders that tho' it was firſt compoſed for the Dioceſe of* Orleans; *yet it was ſo regarded*

garded by those of other Sees and Churches, as that Part of it is still extant in the papal Decrees; and ther is Reason to believe that it became a common Form to be used by Bishops in the Synods, or Chapters of their Clergy, both in France *and* England, *to say nothing of other Nations.*

A. D. DCCCCXCIV.

I conjure you, most beloved Brethren, that with a wakeful Diligence ye study the Practice of good Works, and the Satisfactions for Sins of the People that are subject to you; how ye may always most plainly teach them the Way to eternal Salvation both by your Doctrine, and by the Example of the right Life: that both you by their Improvement, and we by your Diligence producing the Fruit of Vertue acceptable to God [a] may bring forth the Profit of that Commission which is from us.

[a] Sax. þinȝan oꝼ uꝛ þæne beꝼæꝛtan nyttе. So I distinguish the Words and render beꝼæꝛta Commission: but this is a conjectural Version; I dare affirm it to be as just a Version of *Elfric*, as *Elfric*'s was of *Theodulf*, but these Words seem to have nothing that answers in them in the Original.

And I earnestly charge you Brethren [b] that ye often read over these few Directions which we for our common Benefit have gather'd out of Holy Books, and that you carefully preserve them in your Memories; and adorn and amend your Lives by daily reading Holy Books, and by the practising of good Works; and labour with the Help of God for the Heavenly Kingdom together with the People subject to you.

[b] ȝe not te *Som.*

1. Ye ought to know and always to bear in

Mind, that the Care of God's People is without doubt intrusted [c] with us and the Government of their Souls; that we shall justly be punish'd at Dooms-day for all those that perish thro' our Neglect; and that we are to receive the Reward of Eternal Life for them that we have gain'd to God with our Example and Doctrine. To us it is said by our Lord, *Ye are the Salt of the Earth.* If then Christian People are God's Meat, and we the Salt; then shall the People by the Divine Assistance by our means be with Pleasure enjoyed by God. And ye ought to know, that your Order is the second after ours and the next to us. As the Bishops are in the stead of the Apostles in the Assembly of the Saints; so are the Mass-Priests in the stead of Christ's Disciples. The Bishops have the Order of *Aaron*, the Mass-Priests the Order of his Sons; for it behoves you always to be mindfull how [d] high the Dignity of the Order [is,] and the Consecration, and the anointing of your Hand, which ye received from the Bishop when ye took Orders; that ye may never forfeit so high a Favour, and never defile, by sinning the Hands that have been anointed with so Holy an Unction; but that ye keep your Heart and Body in Purity, give all People an Example to live well, and teach those over whom ye are, the right Way to the Kingdom of Heaven.

[c] þiþ not þeþe.

[d] I read heahlic, or healicne ȝeþincþnerre. Here *Som.* has in the Margin *hæres.*

2. It behoveth you to read the Holy [e] Book, and to pray often, for the Life of a Righteous Man is inclin'd and strongly bent to God-ward by reading of Holy Books; and it is beautified by Prayer. Accordingly *David* says, *Thy Word have I hid*

[e] bec or boc not beȝ.

hid within my Heart, that I might not Sin againſt Thee. Theſe are clearly the Weapons with which the Devil is overcome; theſe are the Inſtruments by which we may gain the Kingdom of Heaven, by theſe Weapons every Vice is quell'd, and with this Food every Virtue is cheriſh'd and improv'd.

3. At that time on which you lay aſide the reading of Holy Books and Prayers, ye ought to take up ſome [f] profitable worldly Work, for Idleneſs is the very Fiend of the Soul; and the Devil ſoon brings them into ſome Vice, whom he finds unimploy'd in every good Work. By the [g] habitual reading of good Books you may learn how yourſelf may come to the Kingdom of Heaven, and alſo how to teach it to others. By Prayers ye may be very helpful both to yourſelf and others, with whom you are united by a ſincere Love, as well living as dying. By handy Work ye may ſubdue the Bodies, ſo that they be more ſlothful in Vice; and by good Works ye may provide wherewithal to help the Poor and Indigent, and ſuch Men as have not ability to Work.

[f] Nytlic not Nytlit.

[g] ȝeþunan not —þunan. *Som.*

4. When the Biſhop requires a [h] Gemot, take with you ſuch a [i] Veſtment for the Maſs, ſuch a

[h] *Synodus* is not only a Tranſlation, but Explanation of ȝemote. By this Canon it ſhou'd appear, that Prieſts in Synod were obliged to give a Specimen of their Abilities in performing Divine Offices before the Biſhop, which was a very commendable Practice; or perhaps he means a concelebration of Maſſes, that is, the Prieſts joining with the Biſhop in pronouncing the words of the whole Service.

[i] This Practiſe long continued in ſome Places at leaſt. In the Year 1521, *John Rumpain* Rector of *Willingham*, was abſolved from an Excommunication incurr'd for appearing at a Synod without his Surplice, contrary to the Decree of the Commiſſary of *Ely*. *See Sir* H. S. *V.* 2 *p.* 731.

Book, such Housel Vessels, and such Conveniences as may serve for the Ministrations committed to you, and two or three Priests, or as many Laymen to [k] make the Responses; that they, with you, may worthily solemnize the Holy Service; that so it may appear how earnestly and diligently you perform your Ministrations to God.

[h] to þenunȝ cyȳðra. So I read by conjecture.

5. And we charge you, That the [l] Oblation which ye offer to God in that Holy Mystery, be either baked by your self, or by your Servants, in your Presence; and that ye know that it be done in Purity and Chastity; and that both the Oblation, and the Wine and the Water, that belongs to the Offering in the Mass-Song, be provided, and regarded with all Purity and Diligence, and with the Fear of God; and that nothing be done unchastly or impurely; for there can be no Mass-song without these three things, *viz.* the Oblation, the Wine and the Water; as the Holy Writ says, *Let the Fear of God be with you*; and do all that is here with great Carefulness. [m] The Wine betokens the Lord's Sufferings, which he indur'd for us; the Water the People for which Christ shed his Blood.

[l] The Bread in the Eucharist is often call'd, *The Oblation*, by the best Christian Writers.

[m] This following Clause is not in *Theodulf*: and it is very probable it was added by *Elfric*, who seems to have guarded their Clergy and People against all Notions bordering upon Transubstantiation, with all possible diligence.

6. We charge that at the time when the Priest sings Mass, no Woman be nigh the Altar, but that they stand on their own Place, and that the Mass-Priest there receive of them what they are willing to offer; a Woman should be mindful of her

her own Infirmity and the Weakneſs of her Sex; and ſhould therfore dread to touch any of thoſe Holy Things that belong to the Eccleſiaſtical Miniſtry. And Lay-men ſhould alſo dread this, leaſt they deſerve ſuch a Puniſhment as *Uzza* did, when he would bear up the Ark of the Lord, for then he was ſoon ſtruck dead by God.

7. Maſs-Prieſts ought by no means to ſing Maſs alone by themſelves without other Men that he may know whom he greets, and who anſwers him. He ought to greet the By-Standers, and they ought to make the Reſponſes. He ought to remember the Lord's Declaration in his Goſpel, He ſaith, *whereſoever two or three are gathered together*, &c.

8. [a] We often ſee Corn, Hay, or any ſuch like worldly thing kept in the Churches. Now we will not that any thing be kept there, but what belongs to the Ornament of the Churches that is the Holy Books, the Houſel Veſſels, the Maſs Veſtments; and the Furniture of the Churches as to all Particulars whether in Vails or Implements; leſt if we [do] otherwiſe it be ſaid to us as it was to the *Jews, my Houſe ſhall be call'd*, &c.

[a] Obſerve, That there is no mention of Images in the Inſtruments and the Furniture of the Church, well nigh, or altogether 200 Years after they had been uſed in the Church of *Rome*, as well as elſewhere: not but that they were now had, and honoured too much in *England*; but becauſe *Theodulf*'s Original made no mention of them: and *Elfric* had not ſo great a Zeal for this practiſe, as to make any Additions of his own upon this Head.

9. It has been an old Cuſtom in this Land, [b] to bury dead Men within the Churches, and Places hallowed, and bleſs'd to the Service of God, to

[b] dele lan. *Somn.* Preſently after read papon, not þæp—. *Somn.*

to make Oblations to him have been made burial Grounds. Now for the future, we will that none be bury'd in Churches but he that is in [c] Holy Orders; or farther a Lay-man so righteous (as is known by his careful Living) as to have deserv'd such a Place of Rest for his Body. Nor yet is it our Will that Corpses buried in Churches be thrown out; but the Risings of the Graves there. That Men [chuse] [d] one of these [two], either to bury them deep [e] in the Ground, or at least to [f] make a way over them, and to make the Floor of the Churches even and convenient, that no Risings of Graves be seen or be there. If in any Place there are so many Risings of Graves, [g] that this is difficult to be done, then let it remain for a burying Ground, and let the Altar be taken away and set in a clean Place, and let a Church be there rais'd, where Men may offer to God in a worthy and pure Manner.

[c] Sax. ðaceꝑð seems not to signify a Priest only but any ordain'd Person as distinguish'd from the Laity.

[d] here I follow *Som.* oþep þapa one of the twain.

[e] I conceive that it appears from hence that Corpses buried in Churches were not laid several Feet under Ground as now, but that the Body was laid on the Floor, or perhaps on Stones rais'd upon the Floor and covered over with other Stones: and of this Practise many Instances are yet to be seen in ancient Churches, especially Cathedrals. ðeop not þeop.

[f] oþen-þnege *Som.* I don't understand this.

[g] Churches must have been very indifferent Structures, when it was in some Cases more difficult to make even the Floors, than to erect a new Fabric; eapꝑoþlic not eapþꝑ--- And I think it is agreed that few or no Churches in this Age were built of Stone, but generally of Timber.

10. Nor is it fit that Men should go to Church for any other Purpose but for Prayer and the Love of God; therfore we forbid both Quarrelling, and Playing, and all unbecoming Words. And [we forbid]

bid] every thing that even is [h] becoming to be done in the Holy Place excepting two [*viz.*] there is God's Name often to be call'd upon, and the Holy Myſtery to be offered in the Maſs-ſong. There is no doubt but the Preſence of God's Angels is there, [and] he himſelf full near. And therfore it is very dangerous to do or ſay any thing in the Holy Places which befits them not. Since our Lord threw thoſe Men out of his Temple that bought or ſold there what they offer'd to God; how much more thinkeſt thou will he caſt thoſe thence with Indignation, who pollute and defile the Places hallow'd to the Service of God, with lying and undecent Speeches, and immoderate Laughter, and with any Miſdeameanours.

[h] unnyc *Som.* but by Miſtake.

11. Moreover it is not lawful to ſing Maſs in any Place but Churches, not in Houſes, nor in any Place [i] but what God hath choſen (as it is written, *offer not thy Sacrifice in every Place that thou ſeeſt, but there, in that Place that God chuſeth for that Purpoſe to place his Name there,* [k] except it be in the Army; then let a Tent be had to this only [Uſe,] and a hallow'd Altar, and on that let the Miniſtration of the Maſs-ſong be accompliſh'd.

[i] þæp þæp, not þæſ þæp *Som.*

[k] The following Clauſe is not in *Theodulf.*

12. Nor is it lawful for any Woman to dwell in the Houſe with a Maſs-Prieſt, tho' the Canons have allow'd it to a Mother or Siſter, and Perſons whom one [l] dares not ſuſpect of any thing that is infamous; yet we forbid it to all Women; becauſe if their Kinſwomen are there, they have other Comers and Goers who it may be fear'd will tempt the Maſs-Prieſts to Sin.

13. And

[l] ðoꝛꝛc not þoꝛꝛc.

13. And it very greatly concerns every Mass-Priest to guard himself against Drunkenness; and that he teach this to the People subject to him. Mass-Priests ought not to eat and drink at Ale-Houses; nor ought they to visit the Habitations or Houses of Strangers, out of an [m] affectation of shewing their Grandeur: Nor to feast with Women or Persons of impure Lives. But if any worthy Father of a Family invite him to his House, who is willing, with his Wife and Children, to rejoice in a ghostly manner, and to accept from him spiritual Entertainment, and give him bodily Repast out of true Love; then it is proper that you visit him with a comity of Mind, and treat him with spiritual Instruction, who entertains you with the good things of this World.

[m] ꝑꝛeꝑenneꝛꝛ.

14. Let no Mass-Priest wheedle to his own Church a Man that belongs to the district of another Church, nor instruct him to come to his Church out of the [a] Shire, which belongs to another Priest, and to pay him the Tythes and Rights which belong to the other. But let every one rejoice over him that comes to his Church, and thank God for it; because it is written, that no Man should do that to another which he would not have done to himself, *&c.* Observe who opposes this and contemns our Instruction. Further let him incur one of these [two Punishments;] he shall either forfeit his Order, or else make rigid Satisfaction according to the Doom-book.

15. And

[a] By this 'tis evident that Bounds of Parishes were not yet settled by Law, or establish'd by Custom, and as the Diocese was called the Bishop's Shire, so the Houses and Vills next adjacent to a little Church were call'd the Priest's Shire, just before this *Shire* is called hỳpnỳꝛꝛe.

15. And we do by all means forbid any Mass-Priest to take away a Priest who belongs to another Mass-Priest; and to entice him, or to accept him tho' he desire it; for this is strictly forbid by the Canons.

16. If any Mass-Priest be discovered to give or have given any Bribe either to a Priest, or Layman, on Account of his desiring indirectly to obtain another Priest's Church, let him be punish'd for this Rapine and violent Covetousness by one of these [two] either he shall forfeit his Orders, or make Satisfaction for it in Prison, with the longest and [b] strongest Penance according to the Doom-Book, and by the Command and Privity of the Bishop.

[b] ꝛꝺpengpe not ꝛcp.

17. If any one [c] bring a sick Child to a Mass-Priest, let him baptize it out of hand, to what Mass-Priests [d] district soever it belongs; and let him not neglect it for any [e] Dispute, from whencesoever it be, if he neglect it on any Account, let him know, that he shall be answerable to God at Doomsday for the Soul of the Child.

[c] In this Age the Priest was not called to the sick Child, but the sick Child carried to the Priest.

[d] Parish is a Word never used for the Priests Shire; nor does it appear that they had any such Word.

[e] unæmtan not unænit.

18. Let there be no Man of the [f] sacred, especially of the Lay-order, that dare presume to use either the Cup or the Dish or any of the Vessels, which are hallow'd to divine Service, for any worldly Purpose. Plainly he who drinketh any thing out of the Hallow'd Cup, but Christ's [g] Blood, which

[f] ꝛacenꝺ haꝺcꝛ.

[g] þe on not þon.

which is consecrated in the Mass-song; or that puts the Dish to any other Service, but that of the Altar, [h] he ought to consider, that that concerns him, as it did *Balthasar* (when he had seized the Vessels hallow'd to the Lord for his own Use) *viz.* he lost at once his Life and his Kingdom.

[h] he mæy þencan not þenan. Mr. *Somner* seems to prefer þenan.

19. If any Mass-Priest will put any of his Nephews, or Kinsmen, to be taught at any of the Churches [i] committed to our Custody, [k] we very readily grant it.

[i] *Theodulf*'s Latin is, *In Ecclesia Sanctæ crucis, aut in Monasteriis Sancti Aniani, aut Sancti Benedicti, aut Sancti Lifredi, aut in cæteris de his Cœnobiis*, &c.

[k] þe not ðe.

20. Mass-Priests ought always to have a School of Learners in their Houses, and if any good Man will commit his little ones to them to be taught, they ought gladly to accept them, and to teach them at Free-cost. Ye should consider that it is written, *they that are learned shine as the Brightness of Heaven; and they who persuade and instruct Men to right as the Stars for ever and ever*; yet they ought not to demand any thing of their Relations for their Learning, but what they of their own Accord are willing to give.

21. Plainly tho' all Holy Scripture be fill'd with Examples, and Instructions to good Works, and Men in the Field of these Writings may easily meet with Weapons for the overcoming of Vice, and the [l] promoting of good Works; yet it was [m] need-

ful

[l] Fyrþian not Fryþ—

[m] Some Word seems to have been dropt here, probably þearf, overlook'd by the Transcriber, because it begun as the foregoing þeah.

ful for us in this our Writing, to insert a Citation from a Holy Father for the promoting and teaching of good Works. In this Citation what we ought to do is said in a few Words. In the Preface a Man is commanded to love his Lord with all his Heart, with all his Soul, with all his Strength, and his Neighbour as himself. After this, that he commit no Murder, nor unlawful Copulation, that he don't steal, nor unlawfully covet another Man's things, and be not concern'd in false Witness. Also it is commanded that he honour every Man, and do that to none which he would not have done to himself, and renounce his fleshly Lusts, and follow Christ's Commands, and keep his Body pure, and do not affect worldly Pomps, that he love fasting, *feed the Hungry, cloth the Naked, visit the Sick, bury the Dead, help them that are in Streights, comfort the Sorrowful*; and always arm and defend himself, so far as he may, against worldly Words and worldly Deeds; and admit nothing within in that manner that he does the love of Christ; and that he do nothing in his Anger, that he may have an Occasion to reflect upon afterwards, have no Deceit in his Heart, and give the Kiss of Peace to none unless he have full Peace with him in his Heart, and retain Anger against no Man beyond the going down of the Sun; but forgive all those that [a] are angry at him in his Mind, e're the Sun goes down, and desist not at all from the Love of the true God and of Man; and swear not at all, least he should forswear; and always bring forth the Truth from his Heart and from his Mouth, and repay to none Evil for Evil, give no Provocation, bear that with Patience that is given to him, and love his Enemy out of Love to God: If any one curses him, he curses not again, but rather blesses;

[a] Read þe byþe. *Somn.*

bleſſes; If any have an Averſion to him, or perſecute him for Righteouſneſs Sake, he bears it with Pleaſure. Let him not be of a gluttonous Temper, nor given to immoderate Drinking, Sleeping or Eating, not too ſlow, not a Murmurer, or too ſevere in his Cenſures. Let him place all his Hope in God, and when he does what is good let him attribute that to God. For what he does or ever did that is evil, let him know that it comes from himſelf. Let him always bear Doomſ-day in his Mind, and dread Hell Puniſhments; and with all ſpiritual Eagerneſs; let him covet everlaſting Life; and let him daily conſider the laſt Day he is to live, and at all times exerciſe himſelf in doing good, and conſider that he is without doubt under the Eyes of God; and if any evil Thoughts come into his Mind, then let him forthwith confeſs them to his Ghoſtly Phyſician, that is his Shrift; And let him conſider the Sufferings of our Lord, how he who made all Creatures, out of his Humility condeſcended ſo far, that for our Behoof he [b] was hanged on the Rood, and how both his Feet and his Hands were run through with Nails, and how his Side was pierc'd with a Spear; with ſuch Meditations as theſe he may expel and baniſh all evil Thoughts out of his Mind. He ought always to reſtrain his Mouth from perverſe evil Words. He ought not to affect to ſpeak much, and little to the Purpoſe, or idle Words, which raiſe unbecoming Laughter, nor ought he to love immoderate obſtreperous Cachinnation, but with Pleaſure hear the Reading of the Holy Books, and often apply himſelf to Prayer, and daily in his Prayers confeſs to God the Evil that he has formerly done, with Tears and Groans, and beg Forgiveneſs of Him; and earneſtly pray, that he may defend him both

[c] Read ƿæƒ not ƿæƒ. *Somn.*

both from repeating the Evils, which he has formerly committed; and from all Misdeeds whatsoever: he ought not to follow his fleshly Lusts, or his own Will, but in all things obey the Command of his Teachers, tho' it be so, as that God's Will is, it should not be, *viz.* that the Teacher gives good Instructions, but Acts otherwise himself, he ought to remember what our Saviour hath said in his Gospel, *Do what they bid you to do, not what they themselves do, when they teach you what is good, but themselves act the contrary.* Nor let him desire to be call'd a Saint before he is one; but first labour to be so, that he may [c] with the better Right be call'd so. Let him daily fulfil God's Will in his Actions, let him love Purity, avoid all self Exaltation; honour the Old and love the Young with a Christian Affection, and pray for his Enemies. Let him hasten to a Reconciliation with those at Variance, before the going down of the Sun; and never [d] despair of God's Mercy. Now these are the Documents and Tools of Ghostly Craft, which if it be Day and Night indefatigably ply'd by us, and perfected by the End of our Lives, then have we that promise [e] sign'd to us, which the Lord hath declar'd and will perform at the [Day of] Recompence, *which no Eyes ever saw, nor Ear heard,* &c.

[c] ꝑihtenlicoꝛ not ꝺꝑihten.
[d] ȝeoꝛꝺꝛyꝛe. *Somn.*
[e] ꝛeoneꝺ not ꝛeomeꝺ.

22. All Believers in general from the least to the greatest are to be reminded, that every one learn the Lord's Prayer and the Creed, and he is to be told and to observe, that on these [f] Two is the Ground Work of the whole Christian Belief. And unless one can sing both these, and so believeth

[f] ꝺꝛeȝeꝛ not ꝺꝛeo---.

as he there saith, and prays often for himself, he cannot be a good [g] Christian. It was an ancient Constitution, that none who did not know the *Credo* and *Pater Noster*, should be Surety for any one either at the Bishop's Hand, or at Baptism; and that none should [h] support such an one at his receiving Baptism or being bishop'd; unless he were one that was not of Age to learn them.

[g] The *Lat.* has *Catholicus* for yel Chpirtien.

[h] This alludes to the ancient Custom of the Sureties holding the Person to be baptized or confirmed, whether a Child or Adult, at making of the Professions.

23. Christian Lay-men are also to be told, that every one should pray for himself twice a Day at least, that is Morning and Evening except one can pray oftner. Unless he be expert at *Pater Noster & Credo*, let him sing or say, *Lord thou hast fashioned and formed me, be merciful, O God, be merciful to me a Sinner*; and let him thank God for his daily Food, and that he hath made him in his own Likeness, and distinguish'd him from the Beasts. This being thus done, and having worship'd his Creator only, let him call upon the Saints, and pray, that they would interceed for him to God; first to St. *Mary*, and afterwards to all Gods Saints. Let them that can reach to a Church do it at Church; they that cannot, let them do it where-soever they are, both Evening and Morning. For the Psalmist says, *God's Dominion is in every Place:* and again he says to God, *thou art in every Place*; as he also said, *I cannot find any Place in which thy Government is not.*

24. *Sunday* is highly to be honoured, therfore we forbid that any Man presume to undertake any Work, except dressing his Meat on that Holy-day: unless a Man be oblig'd by Necessity to travel; then he may ride, or row, or use any such Passage as is usual

usual to his Journey; on Condition that he hear Mass, and do not neglect his Prayers. On the *Sunday* God first created Light; and on that Day he sent the People of *Israel* Heavenly Bread in the [i] Wilderness. And on that Day he arose from Death, when he had first of his own accord suffered Death for the Salvation of Mankind; and on that Day he sent the Holy Ghost on his Disciples; therfore it is highly proper, that every Christian do very solemnly observe this Day. And it behoves every Christian that can do it, to come to Church on *Saturday*, and bring a Light with him, and there hear Even-song and Nocturns in their proper Hour; and come in the Morning with an Offering to High Mass. And when they come thither let not any [k] Quarrel, or Dispute or Discord be heard; but [let there be] a Calm of the Mind at the Holy Ministration: let them interceed both for themselves, and for all God's People, both with their Prayers and their Alms. After the Holy Service, let every one betake himself to his own Home, and entertain himself in a ghostly Manner with Friends, Neighbours and Strangers; and guard himself against immoderate Eating and Drinking.

[i] þeręen not þeȝ---

[k] ȝac, not ȝacn.

25. It also greatly concerns every Mass-Priest earnestly to persuade and teach them that belong to his District, that they be hospitable to Strangers, and never turn a Traveller out of their House; let them do out of perfect Charity that they are willing and able to [l] do, to God. For what a Man does out of Charity to Strangers, that no doubt he does to God; as he himself will say at Doomsday, to them that are placed at his Right Hand, *I was a Stranger and ye receiv'd me.* They therfore

[l] ðon, not þonne.

who receive any Stranger out of Charity, let them not desire any worldly Requital. Many Men have so greatly pleas'd God by their Hospitality that they [m] deserv'd to be visited by Angels, no worldly Recompense ought to be taken of the Strangers, because Eternal Joy in the Kingdom of God is promis'd, on this Account.

[m] þýnþe not þýþe. *Som.*

26. It greatly concerns you to restrain Perjury, and to tell those of your District how vast a Sin it is, and how strictly it is forbidden, both in the Law, in the Books of the Prophets, and in Christ's own Book.

We have been inform'd, that some place it among the lesser Sins; now it is not so, but it is one of the greatest; and Satisfaction is to be made for it as for slaying a Man, or for Adultery, or any other of the Capital Crimes. Ye ought also to know and inform those of your District, that whoever has committed any of the Capital Crimes, and will not be converted so as to make Satisfaction, he is forbidden all Communication with Christian Men, both within and without the Church, even in Drinking and [a] Dwelling together, unless they will be converted so as to make Satisfaction.

[a] punungc not þún.

27. It is also the great Duty of Mass-Priests to tell those of their District that every one ought earnestly to take heed of bearing false Witness, because this is a very grievous Sin; and our Lord on Mount *Sinai* did strictly forbid it, and saith thus: *Never be [guilty] of any false Witness, because false Witness is never unpunish'd.* Whoever commits this Sin, or hath committed it, ought to purify himself by the same Satisfaction, which we before appointed

appointed for Perjury, and also other Capital Sins; or be [b] separated from every thing that is Christian. What can be more agreeable than that a Man who out of Covetousness of Gold, or Silver, or precious Garments, or any worldly thing, falls into so grievous a Sin, should live seven Years in anxious Misery, or else be depriv'd of every thing that is Christian. Our Saviour said, *that it would not profit that Man a whit who should gain the whole World and lose his own Soul.*

[b] A full Stop at arceaben.

28. We also command the Mass-Priests that are subject to us, that they be very diligent in the Instruction of the People, that they who are Book-learn'd do often and carefully teach them of their District by Book; let them that are not so Book-learn'd, command the Young Men of their District, that they cease from Evil and do Good, seek Peace and follow it, and let them know *that God's Eyes are over the Righteous; that his Ears hear the Prayers of the Righteous; that the Countenance of the Lord is against them that do evil;* that he destroys and blots out their Memories. You cannot excuse your not teaching of them. All of you have Tongues: he that is willing to speak good, may reclaim some. As soon as a Priest sees one in the Wrong, he shall endeavour with all his Power, to reduce him to Right, both by reproving, conjuring or beseeching him; and not let him alone till he have brought him to good Works. And my Will is that every one do certify me, at those times that we come, by God's Help, to assemble in Synod, what Fruit he hath produc'd in his District, by the Help of God, and what Men of his District, that formerly liv'd in Wrong, he hath reduc'd to Right. And if any Want my Help, let him [do his Part and I

will] soon be ready in the true Love of God and Man, so far forth as is possible for me to do it.

29. Also ye ought to admonish those of your District that they closely apply themselves to Prayer: In this Manner ye shall teach them to pray. First they shall sing *Credo*, since it is most proper that they shew the Firmness of their Right Faith; and after he hath sung the Creed, then let him say thrice, *God thou art my Creator, have Mercy on me*, and thrice, *God be merciful to me a Sinner.* After that let him sing *Pater Noster*; and after that if he have Place and Leisure, let him first pray to St. *Mary*, and the Holy Apostles and Martyrs, and all God's Saints that they would interceed for him to God; and then arm his Forehead with the Holy Rood-token, that is, sign himself [with the Cross] and then with Hands and Eyes uplifted, let him give Thanks to God for all that he has given him, both Prosperity and Adversity. If he have not Leisure for the doing it all in this Manner, then let him do as we said before, that is, say thrice, *God thou art my Creator, have Mercy on me.* And thrice, *God be merciful to me a Sinner*; and then with inward Heart let him say *Pater Noster*, and sign himself.

30. We should every Day once, or twice, or oftener, if we can, confess our Sins in our Prayers, since the Prophet says, *I declar'd my Sin unto thee, and mine Unrighteousness I hid not from thee.* I said, *I confess my Unrighteousness against my Self to the Lord, and do thou Lord, forgive the Impiety of my Sin.* Then after Confession with Groaning and Compunction of Heart, we should pray for our selves to the Lord, and sing the L Psalm, or the XXIII or XXIV, or one of them to the same Purpose, and thus complete your Prayers. That Confession of our Sins, which

which [c] we make to the Mass-Priest, this [d] contributes to our good, in as much as by Ghostly Advice receiv'd from him, and medicine for those Blemishes, which we confess to be in us, by means of our own Deeds, and by observing the Injunctions that he gives us, we may by this means blot out our Sins. Further the Confession [e] which we make to God only, that is to our Benefit, in as much as the oftner we remember [our Sins] the sooner God forgives them: Since the Lord says by the Prophet, [f] *thy Sins I will not remember.* On the other side, the oftner we forget our Misdeeds, the more [g] carefully doth God [h] remember them. It concerns us to consider what *David* the Prophet saith, and to do accordingly as near as we can, *I acknowledge mine Unrighteousness, and my Sin is always before me.*

[c] ꝑe not ꝑe.

[d] We are here inform'd of the benefit of Confession to the Priest, that it consists in the Spiritual Counsel he gives, and the proportioning the Penance to the Crime; and of this Monsieur *Petit*'s Collections are full. Not one word here of the benefit of the Priest's Absolution: And probably ther was no such thing as an Absolution yet invented; I mean a positive Indicative Absolution. See also *Conc. Cabilon. c.* 33. *A. D.* 813.

[e] This the Latin calls the *True Confession. Confessio vera quam Deo Soli facimus.*

[f] ȝemynðie ic, or ȝemunie ic, not ȝemanic.

[g] ȝeonnoꝛ, not —— noꝛ.

[h] read ȝemunað, not ȝemon——

31. A Man ought to confess to the Shrift, all the Sins that he ever committed, either in Word, Work, or Thought: there are eight Capital Sins: there is but a small Number of Men, that is not smitten with some or all of them; The first is Gluttony, the second is unlawful Copulation, the third is worldly Grief, the fourth Covetousness of

Riches, the fifth is Vainglory, the sixth is Envy, the seventh is Anger, the eighth is Pride. When one [i] comes to his Shrift with a Resolution that he will declare to him his Wants, and confess his Sins, then ought the Shrift diligently to enquire of that Man when he confesses to him, how the thing was done, whether willingly or unwillingly, whether by Way of Surprize, or by Way of deliberate Design, [k] and then injoin him Penance for every Misdeed, according as the Deed was done. He that kills another Man in defending himself, is not to be compar'd to him that lies in Ambush for another and kills him. So it is in unlawful Copulation, and in every Misdeed: the Shrift shall examine him that declares his Want to him in every Particular, and teach him to conceal nothing of what he supposes he ever committed against the Will of God, either in Word or Deed, and shall declare the Satisfaction that belongs to every one of them.

[i] hꝑa, not ꝑa. *Somn.*

[k] A Stop at ꝑꝛan.

32. We ought to give Meat to the Hungry, and Drink to the Thirsty, and [l] cover the Naked, and visit them that are Sick or in Prison, as our Lord saith, *I was hungry, and ye gave me to eat, I was thirsty, and ye gave me to drink, I was naked, and ye clothed me, sick and in Prison, and ye visited me.* Now every one ought to apply this to himself in a spiritual Manner, and to fulfil it towards others in a corporal Manner. Yet [m] can it not avail him to Life Eternal if he lead his Life in Uncleanness Pride, Envy, or other manifest Immoralities, which, it would be too long to number. But as soon as a Man perceives, that he has not Christ within him (who saith, *I am the living Bread that came down from*

[l] ꝑꝑeon, not ꝑꝑeon. *Somn.*

[m] Dele the Point at mæg.

from Heaven) and that true Love which is the Nurse of the Soul, then undoubtedly he is hungry; and then if he join himself to Christ by good Works, discarding his former Immoralities, and fill himself with the sweetness of true Love, then hath he fed himself that was hungry in his Soul. He that sees [a] himself to be deprived of the Streams of the Doctrine of the Holy Scripture, and of the Holy Ghost, is then sufficiently thirsty; and if he then watereth himself at the Spring of God's Word, and fill his Soul with the sweetness of the Ghostly Liquors, he then giveth Drink to his thirsty Soul. Then he who seeth himself destitute of Righteousness, and other good Works, is not he sufficiently naked? If he then dress himself with Righteousness, and other good Works, what doth he but clothe his naked self? Then he that lies in his Bed of Vices, and Labours of the Disease of his Unrighteousness, and is bound with the Cords of his Sins, and surrounded with the Walls of his Misdeeds, and in the Darkness of his Unrighteousness, he is sick enough, and in a Gaol sufficiently dark. But if he arise out of the Bed of his Immorality, and goes out by Confession, and by the Mournings of a sincere Satisfaction be loos'd from his Sins, and then proceeds to the Light, by the Practice of good Works, he without doubt visits his sick and impriſon'd self. Then he who sees himself fatigu'd in the Pilgrimage of this present Life, and with the Storms of Immorality as one tir'd with the strong Blusters of the Air, and that he wants the calm Haven of good Works; he may then consider that he is in the Road, and in need of an hospitable House. And if he then conduct himself to the sacred House of Virtues, and cover himself under their Protection, then in what he does to himself he entertains a Stranger. The Man that applies all this spiritually

[a] hineſeolſn, not hiſne.

ly to himself, he gives Food and Drink, he clothes, and visits, and entertains Christ, whose Member he is in himself.

God's Friends are also to be admonish'd, that they teach their Children to be obedient to their Parents; for the Lord saith, *Honour thy Father and thy Mother that thou mayst be a long Liver on the Earth:* the Parents also should be gentle towards their Children; since the Apostle saith, *Ye Parents provoke not your Children to Wrath:* yet ought they not to let any Misdeeds go unpunish'd. *Solomon* saith, *he that spareth the Rod, hateth his Child.* No Misdeed is allow'd to pass without Punishment, in the World to come, except Satisfaction be made for it here.

Therfore it is better for one to correct his Child for his Misdeeds here, than that he be reserv'd for God's Wrath there.

34. And the Priests also shall teach the People, that that is true Love by which a Man loveth God better than himself, and his Neighbour as himself, and that none do ought of that to another that he would not have done to himself, and many other things too long now to be reckon'd up. Some suppose that true Love is Meat and Drink; but it is not so at all; concerning this, saith the Apostle, *God's Kingdom is neither Meat nor Drink:* Yet nevertheless when Men give Meat and Drink out of true Love to God, it is a Work perfectly good, and it is numbered among other good Works.

35. They also that live by Dealing, are to be admonish'd, that they do not so covet worldly Gain, especially so as to lose Life Eternal. Without doubt they greatly err, who are more intent on worldly Gain, than on the Salvation of their Souls; and of these a wise Man saith, they lose their [a] Inwards by the Way. The present Life is what he

[b] Lat. *ultima sui.* Sax. inȝeþanc, *Conscience.*

he call'd the Way. But it is neceſſary that they hear the Apoſtles Doctrine; the Apoſtle ſaith, over-reach not one another in Dealing, for (look well to it) God will be his own Avenger of what is done to the Wrong of others, or for any other Cauſe. The ſame Command is given to Mariners and to Landmen, and all that raiſe Profit to themſelves by Dealing; that they give God the tenth Part; and give their Alms out of the nine Parts: ſo it is injoin'd to all Men, that out of the ſame Craft from which they produce Neceſſaries for the Body, they alſo ptoduce Neceſſaries for their Souls, which are better than the Body.

36. On the Week next before [c] Holy Night, ſhall every one go to his Shrift, and his Shrift ſhall ſhrive him in ſuch a manner, as his Deeds which he hath done require; and he ſhall charge all that belong to his Diſtrict, that if any of them have Diſcord with any, he make Peace with him: if any one will not be brought to this, then he ſhall not ſhrive him: [but] then he ſhall inform the Biſhop that he may convert him to what is right, if he be willing to belong to God: then all Contentions and Diſputes ſhall ceaſe; and if ther be any one of them, that hath taken Offence at another, then ſhall they be reconcil'd, that they may the more freely ſay in the Lord's Prayer, *Lord forgive us our Treſpaſſes*, &c. And having thus purified their Minds, let them enter upon the Holy Faſt-tide, and cleanſe themſelves by Satisfaction againſt Holy *Eaſter*, [d] for this Satisfaction is as it were a ſecond Baptiſm. As in Baptiſm the Sins before committed are forgiven; ſo by Satisfaction are the Sins committed after Baptiſm.

The Holy Scripture informs us that Sins are forgiven

[c] It is pretty plain here is a Miſtake in the *Saxon*, and that it ſhould be lenten inſtead of halgan nyht.

[d] A Point at Eaſtpena.

forgiven by seven means; the first is Baptism, which was given us for the Remission of Sins. In the second Place by suffering. Concerning this the Psalm Poet saith, *Blessed is the Man to whom the Lord imputeth no Sin.* According to this same Saying of *David*, Sins are forgiven by Baptism, they are covered by Satisfaction, they are not imputed thro' Martyrdom. In the third Place they are redeem'd thro' Almsdeeds. Of this saith *Daniel* to *Nebuchodonazor* the King, *Redeem thy Sins with Alms [given] in Mercy to the Poor.* And that [Text] [e] *as Water quencheth Fire, so doth Almsdeed Sin.* And the Lord saith in the Gospel, [f] *Give your Alms then, by that you may be clean.* The fourth, is if thou forgive them that have sin'd against thee, as it is said in the Gospel, *forgive, and it shall be forgiven you*, &c. The fifth is, if one by Instruction and preaching God's Commandments, converteth a Man from Wrong to Right, *he ransoms his Soul from Death, and covers a multitude of Sins*, as the Apostle declares. The sixth way is, by the true Love of God and Man. As it is said, the true Love of God and Man, covers the multitude of Sins thro' the Saviour Christ our Lord. The seventh way is, by Satisfaction, as *David* saith, [g] *I am turn'd about in my Misery, and my Back is broken:* and he says presently, *I ceased from my Pride, and my Misdemeanour, and do Penance and Satisfaction for them before God, so I have Forgiveness.*

[e] *Eccluſ.* iii. 30.

[f] *Luke* xi. 41.

[g] The Text here alluded to is Psalm XXXII. 4, 5. the XXXI. according to the Vulgar *Latin*, in which it runs thus, *Conversus sum in ærumnâ meâ dum configitur spina mea. Delictum meum cognitum tibi feci, & Justitiam meam non abscondi. Dixi, confitebor adversum me injustitiam meam Domino, & tu remisisti impietatem peccati mei.*

27. Men

37. Men shall observe the Lenten Fast with a more singular regard; so as to eat no Meat till the tenth or twelfth Hour, (but *Sundays* only) except one be so sick that he cannot fast, or so young as not to be of age to fast. For these Days are the Tithe of the Year, and we should therfore spend them with all Piety and Holiness. There is a custom frequently to redeem other Fasts with Alms, out of Love to Friends [that we may eat with them]. This no Man must [h] break by any means. They who fast at other times earn a Reward, and Forgiveness of Sins from God; yet upon Condition, that they adorn their Fast with Almsdeed: But at this time he that can fast, but will not, without doubt earns eternal Punishment to himself. For Christ hath hallow'd these Days to Fasting by *Moses*, by *Elias*, by himself.

[h] A Point at bpecan.

38. It is the Duty of every Man daily to give Alms to them that are in Want; yet more on the Days in which we fast, than on other Days. For then we should distribute to the Poor, the Meat and Drink, that we should use if we fasted not. For if we fast and reserve our [i] first Meal till Supper time, that is not Fasting, but is only a delaying of the time of eating, and the Supper is doubled.

[i] *Lat. Prandium.* unbenngeneonb.

39. It is the Practice of many, when they should fast, that as soon as they hear the Noon-bell ring, they take Meat; but it is not to be thought that That is to be deem'd Fasting; but it is requisite that after Noon-song a Man hear Mass, and after Mass his Even-song, at the [proper] Season, and after Even-song, let every one give his Alms, according to what is incumbent on him, and afterwards take Meat. If any one be so streightned in time

time that he cannot come to Mass and Even-song, yet let him continue fasting till he know that Mass and Evensong are ended; and then having finished his Prayers and his Alms, let him enjoy his good things and take his Meat.

40. During this Time shall be an abstinence from all delicious Meat, and we must live soberly and chastly, when Men are able on this Holy Tide to forego Cheese, and Eggs, and Fish, and Wine, this is the most perfect Fast. They who cannot forbear them, by reason of Infirmities, or for any other [k] cause, are oblig'd to use these with moderation, and at the Season allow'd, that is, after Evensong; and that he take neither Wine nor other Drink to drunkenness, but for the refreshment of his Heart. Intemperate drinking of Wine, and sinful Lust, is forbidden, [l] not Milk, nor Cheese: The Apostle doth not say, eat not Cheese or Eggs, but, *Be not drunk with Wine*, or other strong Liquor, in which is Fiery Lust.

[k] Lat. *Quolibet opere.*

[l] Make a Point at ꝓnbosen, dele Point after ꝼynt.

41. Men are to go to Housel every *Sunday*, during this Holy Time, except they be excommunicated. So also on *Thursday* and *Friday* before *Easter*, and on *Easter-Eve*, and on *Easter-Day*: and all the Days in *Easter-Week* are to be observ'd with the same Devotion.

42. On this Holy Fast none shall raise any Quarel, or Contention, but ye ought to exercise the fasting Vacation in the Love of God, and in necessary Business. For our Lord threatneth those, who will on their [m] Fasting-Days demand their [a] Debt, and raise Quarrels and Contentions, who by

[m] *Quadrageſimæ tempore Lat.* This was too gross for *Ælfric.*

[a] *Sax.* Summon their Debtors.

by the Prophet says thus, [b] *Your victory is on the fasting day, ye have all your pleasure on this day, ye make search after all your debtors, ye fast for strife and debate*, and impiously ye bear hatred to your Brethren. All Christian Men are Brothers in God.

[b] I understand ȝeȝyne as ȝeȝȝop. I suppose it answers these Words of the Prophet, *percutitis pugno*. ȝeȝyne may perhaps signify *Conspiracy*, but then ther is nothing that answers to it in *Isaiah*.

43. It is also the great Duty of married Persons, that on this Holy Tide they keep themselves pure, without all pollution of Copulation; that their Hearts and their Bodies being purified by a pious Life, they come to the *Easter-Day* with Deeds well pleasing to God; For that fasting avails not a whit that is polluted with Conjugal Work: Nor is that [c] in the least Point more [availing] that is not adorn'd with Watching and Alms-deed.

[c] ne hyon þe ma, not neh þon, &c.

44. The People also who at the Holy Time are to take the Holy Mystery of Christ's Body and Blood (that is the Holy Housel) are to be instructed, that they do it with much Awe and Reverence. And let them first cleanse themselves, both with Fasting, and Alms, and abstain from the Conjugal Work, and from every Vice, and adorn themselves with Alms and every good Work, and so with great Reverence receive it. Both is very dangerous, either that a Man take it without being prepar'd, in a negligent manner; and also that any Man be too long without it; [d] especially let no Man

[d] *Theodulf*'s *Latin* makes no mention of the Shrift, or Confessor; and has the last Clause thus, "It is dangerous "to abstain from it for a long time, only with an Excep- "tion to them, who being excommunicate receive it not "when they please, but at certain times only" (he means such as were under Excommunication for any grievous Crime

Crime, and during those Years did publick Penance in *Lent*, and were received into the Church on *Maunday-Thursday*, and continued there, and might communicate till *Low-Sunday*, but were then to absent themselves from Church. till next *Lent*), "and the Religious, who live in "an holy Manner, and do it almost every Day". From this it appears that ther was in *Theodulf*'s time a daily Communion in Monastries, if not *Elfric*'s too.

Man receive it without his Shrift's Leave. To him he shall first have confess'd all that he has done against God's Will; so far as he can recollect, and made Satisfaction according to his Doom. But ther are many Minster-Men and Widows, of so Holy, Religious a Life, that they may do it every Day when they please.

45. Farther we command all Mass-Priests, who are willing to sing Mass before High-Mass, either on *Sundays* or other Mass-days, that they do it secretly, so as that they may draw no Part of the People from High-Mass; for it is a very evil Custom which some Men practise both on *Sundays* and other Mass-days, that they will hear Mass early in the Morning, and then presently all the Day after, serve their own Belly, not God, by Drunkenness and Junketting. Now we command that no Man tast any Meat, till the Service of the High-Mass be finish'd; and that all Women as well as Men assemble themselves to High-Mass and to the Holy Ghostly Church, and there hear High-Mass, and the preaching of God's Word. And as we said before, let not the Mass-Priests in the [e] Oratories sing at all, except they do it so secretly as to draw no Man from the High-Mass. And we charge Men of every Rank to frequent the High Mass, except the Holy Maidens only, whose Custom or Manner it is not to go from their own Minster. They ought to remain within their own Cloisters, and there hear Mass.

[e] Sax. ȝebeð-hur, clearly the side Chancels, or Chapels joining to the Church. *A. D.*

A. D. MIX.

Laws Eccleſiaſtical and Canons at *Eanham*.

PREFACE.

THis Year, or however, between the Year 1006 *and* 1013, *which includes the whole Time of St.* Alfeage's *Preſidency in the See of* Canterbury, *a Council was called at* Ænham, (*probably now* Enſham *in* Oxfordſhire) *at the Command of King* Ethelred, *and by the Advice of both the Archbiſhops of* Canterbury *and* York. *It was therfore a National Aſſembly, and the Great Men of the Laity were preſent, as well as the Biſhops and Abbots. And tho' moſt of the Laws are Eccleſiaſtical, yet ſome are purely Secular. The old* Latin *Copy is far from being a Tranſlation. It rather ſeems to me to be an account, which ſome one there preſent did write down by ſtrength of his Memory; which afterwards falling into the hands of ſome Archbiſhop of* York, *was tranſcribed by him, or at his Command, with two Paragraphs added at the end. But becauſe the* Latin *Preface gives ſome account of the Synod, which is not in the* Saxon, *I thought fit to prefix the Tranſlation of it to the following Decrees.* Sir *H. S.* Vol. 1. p. 513.

IT hapned on a certain Time, that all the Great Men of the *Engliſh* were ſummon'd to appear on the Holy Day of *Pentecoſt*, at a Place by the Inhabitants call'd *Eanham*, by the peremptory Edict of King *Ethelred*, at the Inſtigation of *Ælfeah* and *Wulfſtan* the Arch-Prelates. A multitude of venerable *Lat.*

rable Worſhippers of Chriſt being therfore aſſembled in that Place, they being divinely Inſpired, conferr'd together for the recovering the Exerciſe of the Catholic Religion, and for repairing the State of the Commonwealth at large, and not briefly. Further, at the beginning of their Synodical Conferences, firſt the Biſhops with mutual Inſtructions exhorted each other in their wholſome Diſcourſes, to adorn themſelves with the comlineſs of Faith, Hope, and Charity, and of the four principal Virtues, *viz.* Prudence, Juſtice, Fortitude, and Temperance: and they appointed a daily mutual [a] Intervention; and faithfully confirm'd a League of Peace and Concord between themſelves.

[a] By *mutual Intervention* in the Civil Law is meant, being mutual Security for each other. Perhaps here it may ſignify, that they wou'd every Day, during this Council, meet together, apart from the Great Seculars, to conſult of Eccleſiaſtical Affairs; or it may ſignify a mutual Interceſſion to God for each other: For Words in theſe Ages did not keep their proper Senſe and Meaning, but were uſed according to the fancy of the Writer.

A. D. MIX.

THE PROVISIONS OF THE WISE MEN.

Sax. THeſe are the Ordinances which the *Engliſh* Counſel-givers choſe, and enacted, and ſtrictly charged to be obſerved.

1. And this, in the firſt place, is the Prime Decree of the Biſhops, That we all turn from our Sins, ſo far as we can, and earneſtly confeſs our Miſdeeds, and make Satisfaction for them, and duly love and honour the One God, and uniformly maintain the One Chriſtianity, and earneſtly avoid all Heatheniſm, and advance Devotion among ourſelves, and affect Peace and Unity, and faithfully obey

obey one Royal Lord, and guard him duly and truſtily.

And the Ordinance of the Wiſe Men is, That Abbots and Abbeſſes do rightly regulate their Lives, and prudently take Care of their Flocks, and that Men of every Order do in earneſt ſubmit themſelves every one to that Law that concerns them, both in regard to God and the World; and eſpecially that God's Servants the Biſhops and Abbots, the Monks and [b] Mynikens Canons, and Nuns betake themſelves to what is right, and live regularly, and earneſtly intercede for all Chriſtian People.

[b] Here *Mynikens* and *Nuns* are diſtinguiſh'd. The former ſeems to denote the ſtricteſt Sort, the other thoſe that were leſs ſtrict. See *Cnut*'s Law ſixth.

And the Ordinance of the Wiſemen is, That every Monk that lives out of a Monaſtry, and neglects his Rule [c] do as it is his Duty, betake himſelf to the Monaſtry with all Humility, and deſiſt from his Miſdeeds, and carefully [d] build up what he hath broken down, and call to mind the Word, and Promiſe, which he hath plighted to God; and let the Monk that hath no Monaſtry, go to the Biſhop of the Shire, and engage himſelf before God and Man, to obſerve three Things at leaſt for the Time to come, that is, his Chaſtity, the wearing of the Monaſtick Habit, and the ſerving the Lord in the beſt manner that he can: And if he performs this, then he deſerves to be the better reſpected, whereſoever he dwells.

[c] ðo ꝥa him, not ðorꝥalum.

[d] I read beꝺ ꝥꝥyþe, not beæſ—.

Let Canons where ther is an Eſtate ſufficient to have a Dormitory and Refectory, keep in their Monaſtry, with Chaſtity, as their Rule directs. But it is juſt, that he who will not, do forfeit his Place.

2. And we command and charge all God's Servants, eſpecially the Prieſts, that they obey God, love Chaſtity, and guard themſelves againſt God's Wrath. Let them earneſtly conſider, that they cannot lawfully cohabit with a Wife: Yet this is worſe, [e] that ſome have two, or more, and ſome tho' they diſmiſs her, whom they formerly had, afterward take another, the former living, as it becomes no Chriſtian Man to do. Let him who will deſiſt from this, and preſerve his Chaſtity, obtain God's Mercy; and as an Addition of worldly Honour [we decree] that he be equal to a *Thane*, both as to his Weregild, and to his Rights in his Life time, and at his Burial. And let him who is averſe to that which befits his Order, be deprived of his Honour both in relation to God and the World.

[e] I read with Mr. *Somn.* ꝑyꝑꝛe, not ꝑyꝛe.

3. And look ye! We agree to command every Friend, and to charge all People, in earneſt, with inward Heart to love the One God, and diligently to avoid all *Heatheniſm*.

4. And if Witches, Wizards, [f] Magicians, or Whores, Privy-Murtherers, or Falſe-Swearers be caught any where in the Nation, let them be zealouſly driven off this Earth; and the People be purged; or let them wholly get them gone out of the Land, unleſs they will deſiſt and make deep Satisfaction.

[f] For ꝼcm cꝛæꝑꝛ can, I read ꝼcin-cꝛæꝑꝛlican, or ꝼcincꝛæꝑꝛiȝan.

5. And it is the Ordinance of the Wiſemen, that right Law be advanced both in relation to God and the World, and that every thing contrary to it be earneſtly aboliſh'd; and that every one both Poor and Rich be henceforth eſteem'd worthy of common Juſtice; and that Peace and Friendſhip be

be duly preſerv'd both in relation to God and the World, within this Land.

6. And it is the Ordinance of the Wiſemen, that he who is a Chriſtian, and has not forfeited himſelf, be not ſold out of the Land, at leaſt not into an *Heathen* Nation. But let Men take ſpecial Care, that a Soul, which Chriſt bought with his own Life, do not periſh.

7. And it is the Ordinance of the Wiſemen, that Chriſtians be not raſhly condemned to Death for every trifling Cauſe; but on the other ſide let the Judge correct with Lenity for the publick Good; and not for a ſmall Matter deſtroy God's own Handy-work, and his own Purchaſe, which he dearly bought. And let every Fact be cautiouſly Scan'd; and [let] Judgment [be] according to the Fact, and Moderation, according to the Quality [of the Offender]; ſo that it may be gentle in relation to God, tolerable in relation to the World, and let him that judges others, ſeriouſly conſider what he requeſts for himſelf, when he thus ſays, *Forgive us our treſpaſſes, as*, &c.

8. And we ſtrictly charge every Chriſtian, that he earneſtly avoid all unrighteous Copulation, and duly obſerve the Chriſtian Law.

And never let it be, that a Chriſtian marry within the [g] fourth Degree of Relation, among his own Kindred, that is within the fourth Generation; nor to the Widow of one that is ſo near akin, in worldly Affinity, nor one nearly related to the Wife, whom he formerly had, nor to any conſecrated Nun; nor to his [h] ſpiritual Relations; nor to one that is di-

 vorced

[g] I think it evident, that VI. here was written by Miſtake for IV. The old *Lat.* mentions no particular Degree.

[h] That is his Godmother, or Godfather's Daughter, or to the Daughter of the Prieſt, or other Perſon, who baptized him.

vorced. Nor let him who deſires to obſerve God's Law aright, and to guard himſelf againſt Hell-fire have more Wives than one; but continue with her only ſo long as ſhe lives.

9. Let every Church be in the Protection of God, and of the King, and of all Chriſtian People.

And let the Protection of the Church within its own Walls, and the Protection of the King's Hand be equally inviolable.

And let no Man from henceforth bring a Church into Servitude, nor unrighteouſly make Merchandize of a Church, nor turn out a Church-*Thane* [i] without the Biſhop's Conſent.

[i] I take ðen here to be the ſame with ðegen, or ðegn. So c. 2. But if only ſome Inferior Officer of the Church be here meant; yet ſtill we may ſafely conclude, that, if no Man could without the Biſhop's Conſent turn out an inferior Miniſter of the Church, much leſs a Superior, and that therfore Patrons before the Conqueſt had not Power ro deprive Prieſts of their Benefices.

10. Let God's Rights be paid every Year duly and carefully, that is Plough Alms fifteen Nights after *Eaſter*, at [k] fartheſt.

[k] *Sax.* hupu: Som. *Saltem.*

Tithe of young by Pentecoſt, and of all Fruits of the Earth by [l] *Allhallow*'s Maſs.

[l] Therfore the Tithe-payer did in theſe Days imbarn, and thraſh the Tithe-corn, and pay Tithe of the Grain.

11. And the Romefee by *Peter*'s Maſs, and the Church-ſcot at *Martin*'s Maſs.

12. 13. And the Light-ſcot thrice a Year. And it is moſt juſt that Men pay the Soul-ſcot at the open Grave.

14. And if a Corps be buried elſewhere out of the

the proper [m] Diſtrict, let the Soul-ſcot then be paid notwithſtanding to that Minſter, to which it belonged, and let all God's Rights be advanced, with Diligence, as is requiſite.

[m] Sax. ꝩcipe, Shire.

15. Let Feaſts and Faſts be duly obſerved. Let *Sunday* be ſtrictly obſerved, as becomes that Feſtival, and let Men carefully deſiſt from Trafficking and County Courts, and Hunting-bouts and worldly Works on that Holyday. Let the High St. *Mary*'s Tides be celebrated, firſt with Faſting, then with Feſtivity. And before the High Tides of every Apoſtle let Men ſtrictly faſt. But before the Feaſt of *Philip* and *Jacob*, we command not Men to faſt, by reaſon of the Paſchal Feaſt, except one chuſe [ſo to do]. Let other Feaſts and Faſts be diligently kept by all, in that Manner that they do who keep them beſt.

16. Alſo the [a] *Ember*-days, and [other] Faſts, as St. *Gregory* himſelf commanded the *Engliſh* Nation.

[a] See Dial. of *Egb.* Anſwer the laſt, Article 1, 2. 734.

17. And let Men faſt every *Fryday*, except it be a Feaſt.

18. And let Ordeal and Oaths and Marriage be always forbidden on high Feſtival Days, and on the ſolemn *Ember*-days, and from *Advent* to the Octaves of *Epiphany*, and from *Septuageſima* till the fifteenth Night after *Eaſter*. And it is alſo fit that ther be common Peace and Concord to all Chriſtian Men on theſe Holy Tides, and that all [b] Law-ſuits be put far away. If a Man be in-

 debted

[b] ꝩacn I take to be the ſame with ꝩac, and the following Clauſe, I conceive determines us to this Senſe. And this I take to be the Foundation of our *Lent* Vocation, *&c.* Mr. *Som.* reads ꝩacn, Deceit or Diſſimulation.

debted to another upon Security given, or by Way of Satisfaction [for wrong done] in any worldly thing, let him duly pay it either before or after.

19. And let every Widow that duly contains herſelf be under God's Protection and the King's; and let her continue a whole Twelvemonth without an Husband, [and] afterwards marry whom ſhe will.

20. And let every Chriſtian Man act as it concerns him, let him diligently mind his Chriſtianity, and often reſort to his Shrift, and confeſs his Sins without Shamefac'dneſs, and diligently perform his Satisfaction, as he is taught. And let him prepare himſelf to go to Houſel thrice a Year at leaſt, when he is willing to know his Duty, as it concerns him [to do].

21. And let every one of our Friends frame his Words and Works according to right, and carefully obſerve his Oaths and Contracts, and baniſh all that is contrary to Right out of the Land, ſo far as Man can do it. Let treaſonable Practiſes and all deteſtable Breach of Law be avoided, that is falſe Weights, wrong Meaſures, falſe Teſtimonies, obſcene [c] Dancings, filthy Copulations, horrible Perjuries; and deviliſh Practiſes, in privy Murthers, and Man-ſlaying, and Stealing and [d] Rapine, and Covetouſneſs, and Gluttony, and Inſolence, and Intemperance, Witchcraft and various Breaches of the Law in relation to Marriage and Violation of Orders, Feaſts and Faſts, and Church-breaking, and [e] publick Miſchiefs. And know, O Man, that all ſuch like is to be avoided, and never to be loved; but let Men earneſtly henceforth love God's Right, in

[c] I read ꝑꝛicunȝa, not ꝑꝛic----.

[d] ꝛꝛꝑuðunȝan is here overlook'd both by Sir *H. S.* and Mr. *Som.*

[e] *Plurimis generibus malefactorum*, Sax. manȝeꝛ eynneꝛ miꝛcæðan.

in Word and Work; then would God soon be propitious to this Nation.

22. Come on! let us likewise all diligently provide for Reparation of Peace, and of the Coin; let us so provide for the Reparation of Protection, as may be best for the Housekeeper, and most dreadful to the Thief; and so for Reparation of the Coin, that the same Mony may go over all the Nation, without any Counterfeit. And let Men rectify their Measures and Weights, and henceforth desist from every thing contrary to right. And let the Reparation of Castles and Bridges be begun in Earnest, on all sides; as also the Recruiting of the Army, and also of the Fleet, when need is, as it is commanded for the publick Necessity.

23. And it is agreeable to a State of War, that the Fleet be ready every Year soon after *Easter*. And if any one damnify a Ship belonging to the Publick [f] Fleet, let him diligently make Satisfaction for it, and to the King for [Violation of his] Protection: and if it be destroy'd so that it be good

[f] When I had this Passage under my Consideration, I could not but reflect on the known Story of *Wulfnoth*, Father to Earl *Goodwin*, who was this Year accused for his Design of corrupting, or destroying the Fleet, which the *Saxon* Chronicle represents as the greatest, that the *English* Nation had ever yet equipt: it is sad to remember, how that Great Traitor went off with twenty of the Ships, and afterwards burn'd eighty more, and by this means reduced the King and Nation to the lowest Ebb. It is scarce to be believ'd, that *Wulfnoth* had accomplish'd his Design so early in the Year as *Whitsontide*, therfore it is probable, that this Provision was made upon *Brihtric*'s Information against him, as a Person, that had wicked Designs against the Fleet; nay 'tis possible that this Law might be made the foregoing Year, when the King determined with himself to prepare this great Fleet, and before ther were any Suspicions of *Wulfnoth*.

good for nothing, let him pay the full Worth of it, and Violation of Protection to the King.

24. And if any one deſert the Army, without leave, when the King is there in Perſon, let it be at the Peril of his Honour.

25. And if Privy Murderers, or Perjurors, or notorious Murderers be ſo audacious, as to remain in the King's Preſence, before they have begun their Satisfaction toward God and the World, let it be at the [g] Peril of their Honour, and all their Eſtate unleſs they be [h] Supplicants.

[g] For ꝑlihtꝺon. *Somn.* whom I follow, reads ꝑlihtꝺon.

[h] That is unleſs they come to implore the King's Pardon, or to take Sanctuary in his Palace, in which Caſes the King was ſuppoſed to take Care, that Satisfaction was made to the Church, and to all Parties concerned. Mr. *Somn.* here turns ꝼꝛiþ-benan *cauſâ refugii.*

26. If any one conſpire againſt the King's Life, let him incur the loſs of his own Life, and of all that he hath: if this be proved againſt him. If he will, and can make his Purgation, let him do it by the deepeſt Oath; or by the threefold Ordeal by the *Engliſh* Law, and by the *Daniſh* Law, according as their Law is.

27. If any Man commit [i] Robbery againſt the Law of Chriſt, and the King, let him pay a Were, or a Mulct in Proportion to the Fact; and if he reſiſt, and be the Cauſe of Mens killing of him, let him lie, without any Payment [made] for him.

[i] I turn ꝓoꝛꝛtæl, Robbery. Sir *H. S.* renders it, *oppoſitio*, with leſs probability, as I humbly conceive. The *Latin* had indeed, *manifeſtè reſiſtit*, but this may be inſtead of the Sax. ȝeonby ꝓꝺe in the laſt Clauſe.

28. And if one defile a Nun, or force a Widow, let deep Satisfaction be made toward God and toward the World.

29. Let

29. Let a Man always ſtudy every Method whereby he may beſt conſult for the Neceſſities of the Nation, and moſt effectually advance right Chriſtianity and aboliſh every thing contrary to Law. For by this means Reformation ſhall be made in the Land to ſome [Purpoſe], when what is contrary to right is depreſt, and Righteouſneſs is loved both in regard to God and the World.

30. But now we will charge the [k] Servants of God, that they in an eſpecial Manner would with Caution bethink themſelves, and with God's Help love Chaſtity, and zealouſly follow their Books and their Prayers; and by Day and by Night full oft call to Chriſt, and earneſtly interceed for all Chriſtian People. We will alſo remind every Friend, as we have great need alſo to do, that he earneſtly bethink himſelf, and turn from his Sins, and diſſwade other Men from what is contrary to right; and that he full oft have in his Mind what it concerns Men moſt frequently to remember, that is, that they have a right uniform Belief in the true God, who is the Governour and Maker of all Creatures, and that they rightly hold right Chriſtianity, and attentively hearken to divine Teachers, and earneſtly follow the Doctrine and Laws of God; and that they do every where promote the Peace and Protection of God's Churches, and often viſit them with Light, and Offering, and there often pray to Chriſt in their own Perſons: that they duly pay God's Rights every Year, and ſolemnly obſerve Feaſts and Faſts, and deſiſt from Marketings and County Courts on *Sundays*; and that they defend, and reſpect the Servants of God; and comfort and feed God's Poor; and not too often moleſt the Widow

[k] Biſhop *Kennet* ſuppoſes that the Abby of *Enſham* having lately been erected, theſe Proviſions were made with a particular Regard to the Monks now ſettled there. *Paroch. Antiq. in An.* 1009.

dow and Step-child; but to make them rejoice; not to provoke nor injure Strangers, and Far-comers; not wiſh too vehemently to others what is contrary to right; but that every Man wiſh that right to others, which he deſires himſelf. And this is in earneſt right Law.

31. He who henceforth is in Contempt of the right Law either of God, or Men, let him diligently make Satisfaction, [l] whereſoever it is due, as well with Divine Diſcipline, as with worldly Correction: And if any Money ariſe on Account of Divine Satisfaction, according as the Wiſemen of the World have fixed the Rule, that is to be apply'd, at the Command of the Biſhops, to the purchaſing of Prayers, to the Relief of the Poor, to the Reparation of Churches, to the inſtructing, clothing, and feeding, of them that ſerve God, and [to the purchaſing] of Bells, Books, and Church Veſtments, and never to any worldly idle Pomps. But as to what concerns worldly Corrections,[m]—for religious Wants: ſometimes by Mulct, ſometimes by Weregild, ſometimes by the Heals-fang, ſometimes by the *Daniſh* Fine, ſometimes by [Loſs of] Honour, ſometimes of Eſtate; ſometimes by a greater [Puniſhment], ſometimes by a leſs.

[l] *Ad utrumcunque ſpectant.* Somn.

[m] Some Words ſeem wanting in this place.

32. And as Men are more potent in regard to the World, or [a] by means of the Dignity of their Order; ſo ſhall they make the deeper Satisfaction, and pay the dearer for their Crimes. For the Potent and the Impotent are not all alike, nor can they bear the like Burden; nor is the Healthy more like the Sickly: and therfore Eſtimates and Diſtinctions are diſcreetly to be made between the Old

[a] *Somn. Hæreo.... eſtimationem, Dignitatem, Promotionem.*

Old and Young, the Wealthy and Indigent, the Firm and the Infirm, and every Rank both in religious Shrift and in worldly Correction. And if it so happen, that a Man doth any Misdeed unwillingly and undesignedly, this is not at all like that Misdeed which a Man does thro' Self-will and Design. And he also that acts out of Necessity in what he does amiss, he deserves Favour, and always a better Doom, when he acted thro' Necessity in what he did amiss.

Let every Deed be cautiously distinguish'd; and let the Doom be form'd with Judgment according to the Fact, and Moderation [be shew'd] according to the Quality [of the Offender] both in regard to God, and the World. And let Mercy be used for the Fear of God, and Lenity, and Favour in Part to them that have Occasion for it; because we all have need, that our Lord full oft thus indulge his Mercy to us. *Amen.*

In the Latin ther is this further Addition.

In these, and in all Points let all things contrary to Equity and Justice, which King [b] *N*, together with his great Men, decreed to exterminate, be always, and every where cast off, banish'd and wholly

[b] It seems evident, that he who made these Additions was not *Wulfstan* the Archbishop of *York*, who was present in this Assembly: for he wou'd, no doubt, have given us the first Letter of his own Name, as well as of King *Ethelred*'s, in whose Reign the Council was holden, rather than have put the Letter *N* for both; if he had not farther given us such Name at large. The hasty Transcriber having forgotten the Name of the King and Archbishop, before he had finish'd the Transcript, rather chose to make a Balk, than to turn two or three Leaves backward to the Preface, where both their Names are written at full length, and by reviewing whereof he might have refresh'd his Memory.

wholly excluded; and let Juſtice and Truth be ever obſerved; ſo perfect Peace, Plenty of Fruit, and of all good things ſhall abound in the Country, the Lord guarding us, who liveth, *&c.*

All the great Men that then were, faithfully promiſed, that they would obſerve theſe legal Statutes and Decrees authoritatively publiſh'd by King *N.* in our ſynodal Convention, therfore *I, N.* (the Grace of God, thus ordering) Archbiſhop of the People of *York*, being touch'd with the Love of God Man, and hath recorded the ſame for the Memory of Poſterity, and for the [Souls] Health of them that are, and are to be.

A. D. MXIV.

King Ethelred's Laws Eccleſiaſtical.

PREFACE.

THer are four Collections of Laws, made at four ſeveral Places, in the Reign of King Ethelred, *beſide thoſe of* Ænham; *the three firſt of theſe contain nothing relating to the Church: this laſt contains none but Religious Laws: they were made at a Place called* Habam; *tho' Mr.* Somner *ſays it is written* Badam *in a Manuſcript of old belonging to the Monaſtry of St.* Auguſtin *at* Canterbury; *afterwards in the hands of St.* Simon d' Ewes. *They are the laſt of his Laws, and therfore probably made toward the latter end of his Reign, when the* Danes *had overpower'd him, and had the main of the whole Nation ſubject to them. I place them in the Year* 1014, *when he was invited home*

home to his People, from Normandy, *whither he and his Queen had gone for Shelter : then he promiſed to rectify all that Male-adminiſtration with which he was charged : And the addition to the ſeven following Laws* Concerning the Office of a Judge, *ſeems to be a correction of former Miſcarriages. They are publiſhed in* Latin *only.*

A. D. MXIV.

1. THat in the firſt Place the one God be loved and honour'd above all things, and that all Men [a] obey their King, as their Anceſtors [did, when] they did it beſt, and together with him, defend his Kingdom. And it was ordained in the firſt Place, that God's Mercy and Aſſiſtance be invok'd with Faſting, Alms, Confeſſion and Abſtinence from all Miſdoings, and from Injuſtice: and that one Peny be given out of every [b] Plough Land, or what is worth a Peny ; and let every one that has a [c] Plough Land, make every [d] Hirman *Lat. Sir* H. S. *Vol.* 1. *p.* 530.

[a] This looks like a Recognition of King *Ethelred*'s Authority upon his Reſtauration.

[b] Lat. *Caruca* for *Carucata*. *N.B.* Theſe two firſt Laws, as to ſubſtance, but in a different Method, are extant in the *Saxon*, in a MS. of CCCC, marked *S.* 18. and printed by Mr. *Wanley* in the third Vol. of the *Theſaurus*, *p.* 138.

[c] Lat. *Familia*, which is commonly taken to ſignify in theſe Writers the ſame Quantity of Land, that a Hyde or *Carucata* does ; and *Bede* uſes the Word in this Senſe ; but it is to be obſerved, that the Quantity is not certain, but ſometimes it implies but ſixty Acres, ſometimes above double that Quantity. Some Land is more eaſily plough'd than others ; ſome Servants and Horſes can plough as much again as others, what was commonly plough'd in the whole Year by one Plough and Team was call'd a Plough Land. Mr. *Somn.* ſuppoſes, that this Peny is the Sulh-alms elſewhere mention'd ; but to me it rather ſeems to have been an exttaordinary Charity on this ſad Occaſion of the Nation being over-run with the *Danes*.

d Hirman pay one Peny. And if he have it not, let his Lord pay it for him. And let every *Thane* e pay Tithe of all that he hath.

d The Prieſt's Hirman, or Hyreman, was what we call a Pariſhioner. It is in *Saxon* hineð-man one that belongs to a Convent, and then the Lord is the Head of the Convent.

e Here I follow Mr. *Somner*'s Conjecture, who ſuppoſes that it ought to be *decimet* inſtead of *detenet*. The MS. aforeſaid confirms Mr. *Som.* Conjecture. There it is bearoð-m. teoþian, which is meant of an occaſional Tithing in Devotion to God, not of the yearly Tithes.

2. And we ordain, that every Chriſtian, who is of Age, faſt f three Days in Bread and Water, and raw Herbs before the Feaſt of St. *Michael*, and let every

f While *Apulia* was infeſted by Northern Invaders, the Chriſtians there obtained a ſignal Victory, and were made believe that this was done by the Aſſiſtance of St. *Michael*, whoſe Help they had invoked by three Days Faſting and Humiliation: ther can be no doubt, but that the Faſt here injoined was in Imitation of that in *Italy*. But it is obſervable that ther were in this Age two *Michaelmas* Days in the Year. For a Church was erected to this Angel in Mount *Garganus*, where he was believed to have appeared and to have obtained a Victory for the Chriſtians; the Foundations of this Church were laid on the 8th of *May*, and it was conſecrated on the 29th of *September*, by which means both theſe Days became ſtated Feſtivals. *Durandus* mentions but one of theſe, and that immediately after the *Inventio Crucis*, which muſt therfore have been the firſt; and ther is reaſon to think, that this is the Feaſt mention'd in the Law now before us: for *May*, not *September*, is the time for military Expeditions; but the latter is called *Michaelmas* in the *Saxon* Chronicle, *A. D.* MXI. They are both ſet down in the *Saxon* Menology publiſh'd by Mr. *Wanly in Ling. Aquil. Theſ. L.* 2. *p.* 107, *&c.* This Menology ſeems to have been made after the Year 828, becauſe it places *All Saints Day* on *November* firſt. But this was kept on the Day of St. *John Portlatin*, in *May*, till *Gregory* the 4th, who

who was advanced to the Popedom in the Year 828, tranſlated it to *November* firſt, yet it was drawn probably before the End of that Century: for St. *Swithun* and St. *Edmund* are not there mention'd. The Menology publiſhed by Dr. *Hicks* in *Saxon* Grammar, p. 102. *&c.* mentions but one *Michaelmas*, and that on *September* 27. this therfore is recent in Compariſon of the other. *Michael* is ſaid to have made another Appearance *in Monte Tumbâ*. The Feaſt kept for this is on *November* 16.

every Man go to Confeſſion, and to Church barefoot; and let every Man renounce his Sins by making Satisfaction, and ceaſing from them. And let every Prieſt with his People go in Proceſſion three Days barefoot; and beſides this let every Prieſt ſing thirty Maſſes, and every Deacon and Clerk thirty Pſalms; and let every ones Commons for three Days be prepared, without any thing of Fleſh, as they themſelves were to eat it, both in Meat and Drink, and let all this be diſtributed to the Poor. And let every Servant be excuſed from Labour theſe three Days, that he may the better perform his Faſt; [or] let him work what he will for himſelf. Theſe are the three Days, *Munday*, *Tueſday*, and *Wedneſday* next before the Feaſt of St. *Michael*. If any Servant break his Faſt, let him make Satisfaction with his Hide; let the poor Freeman pay thirty Pence; the King's Thane an hundred twenty Shillings; and let the Money be divided to the Poor. And let every Prieſt, Town-Reeve, and Tithingman be informed, that this Alms and Faſting is accompliſh'd, ſo as they may be able to give their Oaths of it upon the Holy [s] Things.

[s] In *Latin Sanctis*, without any Subſtantive. It may be tranſlated *Holy things*, *Relicks*, or *Books*, for Oaths were made in this Age on Croſſes, Relicks, Maſs-books, *&c.* as well as on the Goſpels.

3. And we charge that one Mass be sung every Day in the Morning in every Congregation for the King, and all his People, [we mean] that Mass which is entitled [h] *against the Pagans*. And let the Convent sing at every [Canonical] Hour, with their Limbs extended on the Earth, the Psalm, *Lord how are they encreased, that trouble me*, &c. and the Collect *against the Pagans*, and let this be done, as long as we are under this Necessity; and in every College, or Convent of Monks, let every single Priest celebrate thirty Masses for the King and all the People, and let every Monk sing thirty Psalters.

[h] Ther is still a Service in the *Roman* Missal stiled *Contra Paganos*.

4. And we charge that every Man for the Love of God and his Saints, pay the Church-scot, and his lawful Tithe, as he did in the Days of our Ancestors, when he did it best; that is the Tenth-Acre, as the Plough goes; and let every Custom be paid for the Love of God, to the Mother Church, to which it belongs: And let no Man take from God what belongs to Him, and what our Ancestors have granted.

5. And we forbid any one to be sold out of his Native Country: if any presume to do this, let him be far from the Benediction of God, and all the Saints, and from every thing that belongs to Christians; unless he repent, and make Satisfaction as the Bishop shall direct.

6. And we forbid all Robbery to every Man: and let every Man be deemed worthy of common Right, whether Rich or Poor. And if any Man have committed Robbery, let Restitution be made, and Satisfaction [i], according as he did it before or after.

[i] I conceive the meaning to be, that he who committed Robbery after the making of this Law should be liable to a more severe Sentence, than he who had done it before. Else I must confess, that I do not understand it.

after. And if any Reeve have committed it, let his Satisfaction be double to what shou'd have been adjudged to another Man.

7. And let the Alms-Money be paid here at the Feast of St. *Michael*: If any where else ther be an Arrear, [let it be satisfied] by a Full Mulct. And let [k] God's Rights be paid for the future every Year, as to all Particulars aforesaid, for the Love of God, and his Saints; that so Almighty God may shew us Mercy, and grant us Victory over our Enemies, and Peace; for which let Prayers be diligently made, that we obtain God's Mercy here, and hereafter Rest without end. *Amen.*

[k] The Reader cannot but see, that one principal Design of this Assembly was to secure the Payment of Ecclesiastical Rights. And it is probable, that the Misunderstandings between the King and his Clergy were one chief Occasion of his leaving *England*; and that the Amendment of his Administration, which he promised before his Return was meant principally in relation to Ecclesiastical Rights.

Of the Office of a Judge.

8. A Judge ought to acquit himself in all Respects, both as to Mercy and Judgment, so as in the first place to decree Satisfaction in proportion to the Crime, according to right Knowledge; and [l] yet to do it in measure, for Mercy's sake. Some Crimes are deemed by good Judges to be satisfied for according to [strict] right: others to be pardoned for the Mercy of God. Judgment ought to be without [m] *Haderung*, that they may not spare

[l] For *tum* read *tamen* Somn.

[m] This Word seems to signify, *Respecting of Persons* q. hade-apung.

to pronounce common Right againſt Rich [a] and Poor, againſt Friend and Enemy. And nothing is more unjuſt, than taking Bribes for ſubverting of Judgment; becauſe Gifts [b] blind the Eyes of the Wiſe, and pervert the Words of the Juſt, the Lord Jeſus hath ſaid, *with what Judgment ye have judged, ye ſhall be judged.* Let every Judge fear and love his [Sovereign] Judge, who ſees all things, leſt at Dooms-day he be dumb in his Preſence. He who oppreſſes the Innocent and acquits the Guilty for Money, Love, or Hatred, or out of any Faction ſhall be oppreſt by the Almighty Judge. Let no Lord depute any imprudent or wicked Judges, leſt the one thro' Ignorance, the other out of Covetouſneſs, decline from the Truth, which he hath been taught. For the Poor are more grievouſly worried by wicked Judges, than by the [moſt] violent Enemies: No Enemy more bitter, no Plague more effectual, than a Domeſtic Adverſary. One may by Flight or Defence eſcape wicked [c] Enemies; but not Judges when they are ill affected to the Subjects. Good Judges often have evil Deputies, or Miniſters, whoſe Principals become guilty if they do not reſtrain them, and put a Stop to their Rapacity. For the [d] Lord and Miniſter of the World ſays, *Not only they who do, but conſent to Evil are worthy of Eternal Death.* Wicked Judges do often pervert Judgment, and not finiſh a Cauſe, till

[a] For *dimitti*, read *diviti*, Somn. For *rectori*, read *recitari*, Somn. Sir *H. S.* does alſo own theſe two laſt Readings in his Gloſſary in the Word *Haderung*, however he came to overlook them here. I muſt alſo obſerve, that I read *ut* for *quod*, immediately after *Haderung*. The whole was certainly originally in the *Saxon* Tongue: The Tranſlation probably was never exact, but the Tranſcribers have made it worſe.

[b] For *excitant* read *excæcant*, Som.

[c] For *judices*, read *inimicos*, Som.

[d] The Lord Chriſt, by his Miniſter St. *Paul*.

till their own Deſires are ſatisfied; and when they judge not Deeds, but ſtudy for Bribes, they are according to the Word of Wiſemen, *like greedy Wolves in the Evening, which leave nothing till the Morning*; that is, they conſider only the preſent Life, and not at all that which is to come. Wicked Reeves are wont to take away all they can, and not to leave ſo much as neceſſary Subſiſtence. An angry Judge cannot [e] attend to the juſt Satisfaction of the Doom [Book], for thro' the Blindneſs of his Fury he cannot diſcern the right tho' ne'er ſo clear. Judgment is juſt, when ther is no Conſideration of Perſons, for it is written, *Regard not the Perſon of Man in* Judgment. Taking of a Bribe is an abandoning of the Truth.

[e] *Attendere*, not *accedere*. Somn.

A. D. MXVII.

King CNUTE's Laws Eccleſiaſtical.

PREFACE.

Sir *H. S.* Vol 1. p. 539.

THis Year Cnute *King of* Denmark *became King of* England, *and reign'd till* A. D. 1036. *within this ſpace of time the following Laws were made, but in what particular Year is not known.*

Sax.

THis is the Proviſion which *Cnute* King of all *England*, and of the *Danes* and *Norwegians* made with Conſent of his Wiſemen to the Praiſe of God and his own Royal Dignity, and the Benefit of the People, at the Holy Midwinter-tide at *Wincheſter*.

1. The principal Point is, that the one God be ever loved beyond every thing, and one Chriſtianity uniformly obſerved, and King *Cnute* be duly and truly loved and honour'd.

2. And that God's Churches have Peace and Protection, and be duly frequented, to the Health of our Souls, and for our own Benefit. Every Church is of right in Chriſt's own Protection; and every one that belongs to Chriſt hath great Occaſion to underſtand the great Value of this Protection. For God's Protection is moſt to be deſired, and regarded of all others; The King's in the next Place. It is moſt juſt, that the Protection of the Church within its own Walls, and that given by the Hand of a Chriſtian King, be ever inviolate: and let him who

who greatly breaks either of them, ſuffer the Loſs of Lands and Life, unleſs the King will pardon him. If any Man ever from henceforth do ſo break the Protection of the Church, as to ſlay a Man within its Walls; then no Satisfaction is to be accepted; and let all that are Friends of God purſue him; unleſs it happen, that he make his Eſcape and betake himſelf to ſo [a] powerful a Sanctuary, that the King on that Account grant him his Life; upon his making full Satisfaction both to God and Man; that is, firſt that he pay the Price ſet on his own Blood to Chriſt, and the King, and purchaſe to himſelf the Protection of the Law, ſo as to be capable of making Satisfaction. And if, with the King's Conſent, it come to a Compoſition, then let him pay the Satisfaction for Breach of the Churches Protection, to the Church, according to the Payment made for the great Breach of the King's Protection; and let him procure a Reconciliation of the Church, as is neceſſary on this Occaſion; and let him pay full Satisfaction to the Kindred, and to the Lord, and eſpecially let him compound it with God, with all Diligence.

[a] Some Sanctuaries had larger Privileges than others, and cou'd protect Men for Treaſons, and other moſt enormous Crimes, as others could not. St. *Peter*'s at *Weſtminſter* had as great Privileges as any in this Province, and the Church of St. *John* of *Beverly* in the other Province.

3. If the Protection of the Church be violated by any other means, let Satisfaction diligently be made in Proportion to the Fact, whether it be Fighting, Rapin, or whatever elſe; firſt let Satisfaction be paid to the Church for the Violation of its Protection, and that according to the Dignity of the Church. Nor are all Churches of equal Dignity in reſpect to the World, tho' they are equally hallowed. The Breach of Protection in a Head Church

is, in the Case of Satisfaction, equal to the Breach of Royal Protection, that is [b] five Pound, according to the Law of the *Englisc*; and in a middling Church, 120 Shillings, which is the same with the Mulct to the King; and in a lesser Church, that hath a burying Place, but where little Service is done 60 Shillings; and in a Country Church, where ther is no burying Place 30 Shillings.

[b] Five Pound seems to be double to 120 Shillings, that is, it was 240 Shillings; but this is upon Supposition that the Pound was 48 Shillings, as most Antiquarians have laid it, it will not be so by any other Computation: and by this means the diminution of the Payment bears a proportion to the Dignity of the Church. 240 Shillings for a First-rate Church, 120 for a Second-rate Church, 60 for a Third-rate Church, and 30 for a Fourth-rate Church.

4. It rightly concerns all Christian Men to observe the Peace and Protection which belongs to every Holy Thing and Person, and God's hallowed House; and that they honour every Order according to its Dignity: therfore let him that will, or can, understand, that great and remarkable is that which the Priest hath to do for the Benefit of the People, if he aright propitiate the Lord, great is the Exorcism, remarkable is the Consecration, [by] which he expels the Devil, and puts him to Flight, as oft as he baptizeth a Man, or consecrates the Housel, for Angels glide about the Place, and guard those Holy Actions, and assist the Priest with a Divine Power, as oft as he duly ministers to Christ; and this they always do, when with inward earnestness of Heart they call upon Christ, and intercede for the Wants of the People. And a diligent Man ought distinctly to know the Dignity of Orders in the Fear of God.

5. If it happen that a Priest who lives regularly be impleaded for Crimes, and want of Skill, and

he

he knows himself to be clear, let him say Mass, if he dare, and make his Purgation by himself alone, if it be a [c] single Accusation; if the Accusation be triple, let him purge himself on the Housel if he dare, together with two of the same Order with himself. If a Deacon, that lives regularly be impleaded by a single Accusation, grant him two of the same Order, and let them make Purgation with him. and if he be impleaded by a triple Accusation, let him take six of the same Order, and make his Purgation, himself being the seventh. If a vulgar Mass-Priest that has not lived regularly be impleaded, let him purge himself as the Deacon that has lived regularly. If a Minister of the Altar, that hath no Friends be impleaded, and has none to support him in his Oath, let him go to [d] *Corsned*; and be the Event as God will; unless he be allow'd to make his Purgation on the Housel. If a Man in Orders be impleaded for a mortal Feud, and that he has been Principal, or Adviser in a Murder, let him make Purgation with his Kindred, who must support the Feud together with him, or else make Satisfaction for it. If he is without Kindred, let him make Purgation with his Equals, or betake himself to Fasting, if he be forced to it and go to the *Corsned*, and be the Event as God hath decreed. Ther

[c] That is, an Accusation by three Men; a triple Accusation is when ther are six Accusers.

[d] This was an inferior sort of Ordeal, 'tis commonly supposed to have been eating of dry Bread, and praying that it might choak them if they were guilty. It is more probable, that it was eating Barley Bread with Cheese, after several Prayers and Ceremonies used over it by the Priest, to discover whether he that was to eat it were guilty or not. See the *Exorcismus Panis hordeacei, & casei*, transcribed from the Text. *Roffens.* in the *Fasciculus rerum, Vol.* 2. *p.* 910. *N. B.* Ther is in the Decretals of *Greg.* 9. *T.* 34. *c.* 8. a Story of a Priest who being suspected of Murder, pretended to have purged himself by Cold-water Ordeal.

Ther is no Occasion by right for any Monk either to demand, or to pay, any Satisfaction for a Feud in any Place: he deserted all Rights of Cognation, when he submitted to the *Monastick* Law. And if a Mass-Priest do ever any where stand by a false Testimony, or a false Oath, or be a Complice or Principal in any Theft, then let him be expelled from Clerical Communion, and lose the Privilege of [e] Brothership and Friendship, and all [f] [worldly] Worship, unless he make deep Satisfaction with God and Man, as the Bishop directs, and find Surety to abstain from such like from thenceforth for ever. And if he will purge himself, let him do it according to the Quality of the Fact, either by triple, or [g] single Purgation.

[e] Brothership signifies that Privilege which they had by being Members of one of those *Fraternities* mention'd in the 9th Canon of King *Edgar*, 960.

[f] See the next Law.

[g] Here I follow the old *Latin* Translation. The *Saxon* instead of this says, what it had said in other Words before; that the Purgation must be *in proportion to the Law*.

6. Our Will is, That all Ecclesiasticks carefully obey their proper Rule; and that the Servants of God, Bishops, Abbots, [h] Monks and Mynechens, Canons and Nuns, do this in an especial manner, and live regularly; and Day and Night full oft call upon Christ, and earnestly interceed for all Christian

[h] *Monks*, *Mynechens*, *Canons*, and *Nuns*. By this it appears, that the more regular Veil'd Women were not in this Age called *Nuns*, but they who were less strict in their Discipline. The *Mynechens* of the Female Sex were on the same foot with the Monks of the Male; and these were certainly, as to their Profession, the most exact and severe. The *Nuns* of the Female Sex answer'd to the *Canons* of the Male, and their Profession was not so rigid as the former. But this distinction is not every where to be met with.

Chriſtian People: And we command and charge all the Servants of God, and eſpecially Prieſts, That they obey God, and love Chaſtity, and ſecure themſelves againſt the Wrath of God, and the furious Flames, that rage in Hell. Let them know full well, that they cannot of right converſe with Women in a carnal manner. And let him that will deſiſt from this and preſerve Chaſtity, find Mercy with God, and for his worldly Worſhip be worthy of the right of a [i] *Thane*. And let every Chriſtian Man for the Fear of his Lord diligently avoid all unlawful Copulation; and duly obſerve the Divine Law.

[i] The Thane was a minor Nobleman, or a principal Gentleman, as we now ſpeak. See *Atheſtan.* 926. *No.* 2, 3, 4.

7. We injoin, and charge, and command, in God's Name, that no Chriſtian Man do ever take a Wife of his own Kin within the ſixth Degree of Relation, nor the Widow of a Kinſman ſo nearly related to him, nor of the Kindred of a Wife, whom he formerly had, nor of his Sureties at Baptiſm, nor a conſecrated Nun, nor a divorced Woman; nor practiſe any unlawful Copulation. Let no Man have more than one Wife, and let her be a wedded Wife, and let him remain with her only, ſo long as ſhe lives, if he will rightly obſerve God's Will, and ſecure his Soul againſt Hell Flames.

8. Let God's Rights be duly paid with diligence every Year, *viz.* Plough-alms fifteen Days after *Eaſter*, and Tithe of Young by *Pentecoſt*, and of the Fruits of the Earth by [k] *All-hallows*-Maſs: and if any one then will not pay, *&c.* *As in the third Law of King* Edgar.

9. The

[k] By the Equinox, ſays King *Edgar*'s Law 3. 957. Probably then they were paid in the Field, now in the Barn, after they had been thraſh'd.

9. The Rome-fee is to be paid by *Peter*-Maſs: he that detains it over that Day, let him pay the Biſhop that Peny, and thirty Pence more; and to the King [l] 120 Shillings.

[l] The *Latin* has 120 inſtead of 220 in this and the next Law.

10. And the Church-ſcot at *Martin-Maſs*, and let him that detains it beyond that Day pay [m] eleven times as much to the Biſhop, and 220 Shillings to the King.

[m] The *Latin* has XL perhaps by Miſtake for XI.

11. *This is the ſame with the ſecond Eccleſiaſtical Law of King* Edgar, *concerning the Thane that hath a Church on his own Land.*

12. And the Light-ſcot thrice a Year, firſt a Half-peny worth of Wax on *Eaſter*-Eve for every Plough-Land, and as much again at *All-hallow-Maſs*, and again alſo at St. *Mary*'s Purification.

13. And it is moſt juſt that the [a] Soul-ſcot be paid, while the Grave is open. And if any Corps be buried in any other than its proper Diſtrict; yet let the Soul-ſcot be paid to that Minſter, to which [the deceaſed Perſon] had been a Retainer.

[a] This was an Oblation to the Prieſt for performing Funeral Rites, Maſſes and other Devotions in Behalf of the Deceaſed.

14. And let every Man very diligently preſerve God's Rights, as ther is Occaſion. Let Feaſts and Faſts be obſerved, every *Sunday* Feaſt from *Saturday* [b] Noon, till *Monday* Morning light; and every other Feſtival, as is injoined.

[b] See 957. 3.

15. We

15. We ſtrictly forbid *Sunday*'s Market, and County Court alſo, unleſs in Caſe of great Neceſſity. And let Huntings and all worldly Works be diligently forborn on the Holydays.

16. And let ſolemn Faſts be obſerved, (whether *Ember* Faſt, or *Lent* Faſt, or any other Faſt) with all Diligence; the Faſt before all [c] St. *Mary*'s Maſſes, and before all the Apoſtles Maſſes: (excepting that we do not command a Faſt before St. *Philip* and *Jacob*'s, [d] on the Account of the Feaſt of *Eaſter*) and every *Fryday*'s Faſt, (unleſs it be a Feaſt,) and no Man need faſt from *Eaſter* to *Pentecoſt* (unleſs one be under Penance, or that he chuſe to faſt) or from Mid-winter till the Octaves of *Epiphany*.

[c] *Viz.* Purification, Annunciation, Aſſumption, Nativity, *&c.*

[d] All the 50 Days between *Eaſter* and *Whitſuntide* were look'd upon as Feſtival in a leſſer Degree.

17. And we forbid Ordeal and Oaths on Feſtivals, and *Ember*, and *Lent*, and ſolemn faſting Days; and from *Advent* till eight Days are paſt after Twelf-tide; and from *Septuageſima* till fifteen Nights after *Eaſter*. And Wiſemen have choſen [e] St. *Edwards* Maſs-day to be kept as a Feſtival all over *England*, on the fifteenth of the Kalends of *April*, and St. *Dunſtan*'s Maſs-Day on the fourteenth of the Kalends of *June*: And let there be common Peace and Unity on theſe Holy Tides to all Chriſtian Men, as right is, and let all Hypocriſy be far away. And if one have given Security, or owe a Man Satisfaction upon any temporal Account, let him pay it before, or after.

[e] *Edward*, King of the *Weſt-Saxons*, and of all *England*, was barbarouſly murthered about the Year 978, and was afterwards Canonized for a Saint.

18. We

18. We charge all Christians, for God's Love, That they earnestly consider their own Benefit. For we should all be in Expectation of the time when we should rather have wrought the Will of God, while we might, than [injoy] all that is on the Earth. Then we shall all have one single Recompence, even that we have before wrought [for ourselves] in our Lifetime. Wo be to them that have deserved Hell Punishment. But come on, let us most earnestly turn from Sin, and confess every one our Misdeeds to our Shrifts, and for ever desist from and make diligent Satisfaction for them, and do the same to others, that we would have done to ourselves; (this is righteous Doom;) and effectually propitiate God. And he is perfectly happy, who hath held fast this Doom. For God Almighty made us all, and again bought us all at a dear Rate, that is with his own Life, which he gave for us.

19. And let every Christian act for his own Benefit, and have an earnest Concern for his Christianity, and prepare himself to go to Housel, three times a Year at least. And he that will know his own Interest, let him industriously reform every Friend by Word and Work in that which is right; and carefully observe Oath and Covenant; and let all Unjustice be driven out of this Land so far as it is in the Power of Man. And let God's Right be earnestly loved henceforth, both in Word and Deed; then would God's Mercy be nearer to us all.

20. Come on, let us do, as we desire to teach, let us be faithful and true to our Lord, and ever defend his Honour, with all our Might, for whatever Loyalty we perform to our right Lord we do it all to our own Benefit, for God will be faithful to such. Every Lord also has to a great Degree his Advantage in this, *viz.* that he duly keep Faith with his [f] Men.

[f] His Tenants and Vassals.

21. Let

21. Let every Chriſtian carefully learn ever to love God inwardly with the Heart and earneſtly to maintain true Chriſtianity, and diligently to attend to the Divine Doctors, and full oft to contemplate and ſtudy the Inſtructions and Laws of God to his own Benefit.

22. And we charge that every Chriſtian learn to know at the leaſt the Right Faith, and be expert at *Pater Noſter & Credo.* For with one of them the Chriſtian ſhould pray to God, and with the other declare his right Faith. Chriſt himſelf firſt ſang *Pater Noſter*, and taught that Prayer to his Diſciples; and in this Divine Prayer are ſeven Petitions. He that inwardly ſings this he does his own Meſſage to God for every neceſſary Want, either in relation to this or the future Life. But how can a Man ever pray inwardly to God, unleſs he have an inward Faith in him? Therfore he hath no Chriſtian Communion in the conſecrated Places of Reſt, after Death; nor is he capable of the Houſel in this Life, nor is he a good Chriſtian, who will not learn it: nor can he be Surety for another at Baptiſm, much more at the [g] Biſhop's Hands, till he have firſt learn'd well to rehearſe it.

[g] Confirmation.

23. And we charge a Man to ſhield himſelf diligently at all times againſt deadly Sins and diabolical Deeds, and let him carefully make Satisfaction (with the Advice of his Shrift) who hath fallen into Sin by the Inſtigation of the Devil.

24. And we admoniſh all Men that they always guard themſelves againſt Uncleanneſs, unlawful Copulation, and Breach of Wedlock.

25. And we ſtrictly charge every one to have always the Fear of God in his Mind, and that he be afraid of Sin by Night and by Day, and be in dread of Dooms-day, and to have a Horror of Hell and an Apprehenſion of his laſt Day as always at hand

26. Let,

26. Let the Biſhops be Preachers and Doctors of God's Laws; and they ought diligently to give in charge, and exemplify Mens Duty toward God. Let him that will, take Warning. For that Shepherd will be found uſeleſs to his Flock, that will not at leaſt give them a Caution by lifting up his Voice, if any publick Invader make an Attempt; over and above other means, that he may uſe. And ther is no Invader ſo miſchievous as the Devil. This is his only [Aim] how he may do moſt Hurt to the Souls of Men. Then ſhould the Shepherds be very wakeful and earneſtly call out, who are to protect the People againſt Invaders; that is Biſhops, and Maſs-Prieſts ought to caution and defend the Flock of God with their wiſe Inſtructions, that the furious Wolf may not tear in Pieces, or bite too many of them, and he that neglects to hear God's Embaſſadors, let him contend with God himſelf. Let God's Name ever be bleſt. To him be praiſe Glory and Honour for ever and ever. *Amen.*

A D. MXVIII.

MR. Lambard *has alſo publiſhed* 80 *Laws of this King* Cnute: *out of which theſe following are ſelected as relating to the Church and Religion, with a ſhort Preface in theſe Words.*

Sax. THis is the ſecular Proviſion, which I command, with the Advice of my Wiſemen, to be obſerved over all *England.*

1. This is the Principal Point, that I command, that Right Law be advanced, and every thing contrary to it be demoliſh'd; and that whatever is unrighteous be cut down and rooted up out of this Land

Land with all Diligence, ſo far as poſſible and that God's Rights be upheld. And henceforth let every Man, whether Rich or Poor, be eſteemed worthy of Right, and let him be judged with a juſt Doom.

2. We charge, that tho' a Man commit ſuch a Crime, as to have forfeited himſelf to the laſt Degree, yet let Judicature be ſo regulated, that it be moderate [a] in reſpect to God, tolerable [b] in reſpect to the World. And let him that preſides in Judicature conſider very ſeriouſly what he deſires [of God] when he thus ſays, *Forgive us our Treſpaſſes, as we forgive them that treſpaſs againſt us:* And that they don't raſhly condemn Chriſtian Men, eſpecially to death, for Matters of very little moment; and in other Caſes, that the Judicature be temper'd with Gentleneſs, for the publick Benefit. But let not God's Handy-work, and his Purchaſe which He dearly bought, be deſtroy'd, for Things of ſmall value.

[a] That is, to the Penance to be injoined by the Biſhop.

[b] As to the bodily, or pecuniary Puniſhment to be inflicted by the ſecular Judge.

3. And we forbid any Chriſtian to be ſold wholly out of the Land, or into a *Heathen* Country, leſt the Soul which Chriſt bought with his own Life, ſhould periſh.

4. We command that a Purgation of the Land be undertaken from one end to the other; and that ther be a Ceſſation from all heinous Crimes. And that if Witches, or Conjurers, or privy Murtherers, or Harlots are diſcovered any where in the Land, they be with all Diligence driven out of it, or that they wholly depart of themſelves. And we command, that [c] Apoſtates and ſuch as

 are

[c] Probably ſuch as had for many Years continued obſtinate under the Sentence of Excommunication, or had forſaken religious Aſſemblies, and lived in Neglect of all Sacraments.

are outlaw'd by God and Man, be gone off the Land; unless they will submit and make deep Satisfaction: and that Thieves and Publick Robbers be forthwith put to Death, unless they desist.

5. We strictly forbid all *Heathenism*, or that Men worship Idols, or *Heathen* Gods, the Sun, the Moon, the Fire, or the Rivers, Fountains, or Stones, or any Kind of Trees; or to practise Witchcraft, or to contrive any private Murther either by [d] Lots, or Firebrands, or to do any thing by such like Juglings.

[d] This was what was properly call'd Sorcery, in *Latin Sortilegium*.

6. Let Murderers, and Forswearers, and Violators of Holy Orders, and Adulterers, either submit and make Satisfaction, or be gone out of the Country with their Sins.

7. Let [e] Flatterers and Liars, and Rapperees, and Freebooters incur the severest Wrath of God, unless they desist and make deep Satisfaction; and he ought to correct such like, and to avoid such like, who will duly purge the Land, and depress wrong and practise Righteousness.

[e] Or Gluttons.

17. 8. The same with the seventh Law of King *Edgar*, that the Bishop should sit upon the Bench with the Alderman.

9. What is contrary to Right is allow'd at no time; yet a Man ought to guard himself especially at Holy Times and Places, and the greater his Authority is, or the higher Order he is of, the deeper Satisfaction shall he make for the wrong, both in regard to God, and to the World. And let Satisfaction be always diligently sought for toward God by the Canon Book, and toward Man by the Secular Law.

10. If

10. If one murder an [f] Altar-Thane, let him be [g] outlaw'd with God and Man, unleſs he make deep Satisfaction (by Pilgrimage) as well as with his Kindred, or elſe [h] let him purge himſelf, as in Caſes of Blood. And within thirty Nights let him begin to make Satisfaction to God and Man, with all that he hath. 36.

[f] That is a Prieſt, againſt whom no Objection lies. See *Athelſt.* II. p.

[g] To be outlaw'd with God is to be excommunicated.

[h] *Lat. Werelada ſe inlegiet*, let him recover the Protection of the Law, by paying a Satisfaction as for Blood: and this better coheres with the reſt of the Law, but I conceive the *Saxon* will not bear this Conſtruction.

11. If a Man in Orders, or a Stranger be ſeduced to any thing that touches his Goods or Life, then ſhall the King be inſtead of Kindred, and Advocate to him, if he have none elſe. But let him make ſuch Satisfaction to the King, as is cuſtomary, or elſe let the Crime be ſeverely revenged. For it becometh a Chriſtian King deeply to revenge Offences againſt God, with rigid Juſtice, in Proportion to the Fact. 37.

12. If an Altar-*Thane* be a Manſlayer, or commit any grievous Crime, let him ſuffer the Loſs of his Orders, and of his Country, and go as far away in Pilgrimage, as the Pope injoins and diligently make Satisfaction for it. And if he will purge himſelf, let it be with a triple Purgation. And unleſs he begin his Satisfaction within thirty Nights, let him be outlawed. 38.

13. If one bind or beat or grievouſly reproach an Eccleſiaſtic Perſon, let him make Satisfaction as right is; and let the Biſhop [have] the Satisfaction due to the Altar, according to the Dignity of [the injured Perſons] Order; and [let Satisfaction be paid] to the Lord or the King, as for a notable 39.

Breach of his Protection, or else let him purge himself with a full Purgation.

40. 14. If an Ecclesiastic have forfeited himself by committing a Capital Crime, let Men overpower him, and reserve him to the Bishop's Doom [which is to be pass'd] according as the Crime is.

41. 15. If a Man guilty of Death desire Confession, let no Man ever refuse it him: If he do, let him make Satisfaction to the King with 120 Shillings, or bring him to a Purgation, let him take five Men, and be himself the sixth.

42. 16. If Man may govern, let no one that has forfeited himself ever be put to death on the *Sunday*'s Feast, except he fly or fight; but let Men overpower him, and keep him in hold till the Feast Day be past. If a Freeman work on a Festival Day, let him make Satisfaction by the Pillory, and especially let him diligently make Satisfaction with God, as he is injoined. If the Slave work, let him forfeit his Hide, or a Compensation for it in Money, in proportion to the Fact. If the Lord force the Slave to work on the Festival, let him forfeit the Slave, and let [the Slave] be free. And let the Lord pay a Fine among the *Danes*, a Mulct among the *English*, in proportion to the Fact; or else let him make his Purgation.

43. 17. If a Freeman break a solemn Fast, let him pay a Fine with the *Danes*, and a Mulct with the *English*, in proportion to the Fact. It is wicked for a Man to eat his first Meal on a Fast Day; yet it is worse for a Man to defile himself with Flesh. If a Slave do it let him forfeit his Hyde [1], in Proportion to the Fact.

[1] That is, Let him be whip'd.

18. If any one do openly break *Lent* by Fighting, [k] Uncleanness with Women, Rapine, or any mortal Crime, let the Satisfaction be double (as likewise on High Festivals) in proportion to the Fact: and if he deny it, let him purge himself with a triple Purgation. 44.

[k] Fiflac does commonly signify *Marriage*, so does *Nuptiæ* among the *Latins*, yet with old Divines and Canonists it hath a foul sense, and *Nubo* often signifies to commit Uncleanness: And this meaning of the Word best comports with the Notion of a high or deadly Sin, and with the double Mulct here inflicted on it. For to marry, or lie with a Wife, at other times, was no Sin, and had no Mulct annext to it; but the Fact here meant must be such a one as was punishable at other times: otherwise it could not be doubly punish'd in *Lent*.

19. If a Man do with Violence oppose the Payment of God's Rights, let him pay a Fine among the *Danes*, a full Mulct among the *English*; or else let him purge himself with eleven [Men] himself being the twelfth. If he wound any Man, let him make Satisfaction, and pay a full Mulct to the Lord: and let him redeem his Hands of the Bishop, or let them be cut off. If he kill a Man, let him be outlaw'd; and let all that would have Right done pursue him with Hue and Cry. If he by opposing Right cause Men to kill him, and this be aver'd, let him lie without any Satisfaction. 45.

20. If a Man violates Holy Orders, let him make Satisfaction according to the Dignity of the Order, by Weregild, by Mulct, by Fine, by the Loss of all his Estate. 46.

21. If a Man commit Breach of Matrimony, let him make Satisfaction in Proportion to the Fact. It is a wicked Breach of it for a [l] Religious Man to lie with any, more so to lie with another Man's Wife, or with a Religious Woman. 47.

[l] That is, a Monk or Canon.

48. 22. If one commit Inceſt, let him make Satisfaction according to the Degree of Relation [that is between the Parties] by Weregild, by Mulct, by Fine, and by all his Eſtate. For a Man to commit Inceſt with his Siſter, and with one remotely related are not the ſame thing.

49. 23. If one commit a Rape on a Widow or Maid, let Satisfaction be made with a Weregild.

24. If a Wife in her Husband's Life time lie with another Man, and it be notorious, let her be a perpetual Shame to herſelf for the future, let her lawful Husband have all [m] her Eſtate; and let her ſuffer both the loſs of her Noſe and her Ears. If it be only a vehement Suſpicion, and ſhe be caſt at her Purgation, let the Biſhop act at Diſcretion, and let him paſs a ſevere Sentence on her.

[m] This ſeems to be a demonſtration, that a Wife by the common Law among the *Saxons* and *Danes* had, or might have a peculiar Eſtate diſtinct from her Huſband. *Stiernhook* is cited by Dr. *Hicks* in his Preface to his *Theſaurus*, (*p.* 42.) for aſſerting, that Wives among the old Northern People had an abſolute Right, not only in the Goods, but the Lands, with which her Huſband endowed her, ſo as to alienate or diſpoſe of them at diſcretion.

50. 25. If a married Man lie with his own Slave, let him ſuffer the Loſs of her, and make Satisfaction for himſelf with God, and Men: and he who hath a lawful Wife, and alſo a Concubine, let the Prieſt perform none of thoſe Rites to him, that ought to be performed to Chriſtian Men, till he deſiſt and make deep Satisfaction as the Biſhop injoins, and let him ever forbear the like.

51. 26. If Foreigners refuſe to reform their Uncleanneſs, let them be gone off the Land with their Eſtates and their Sins.

27. If

27. If one have been kill'd by notorious Murder, let [the Murderer] be deliver'd to the Kindred; if it be only a vehement Suſpicion, and he miſcarry at Purgation, let the Biſhop be Judge. 53.

28. If one break Suretiſhip with the King, let him make Satisfaction with five Pounds, if with the Archbiſhop, or [a] one of the Blood Royal, with three Pounds; if with the Biſhop of the People with two Pounds. 55.

[a] This is the moſt proper Signification of æbeling, tho' it may denote any Grandee or Superior Nobleman.

29. [b] All People ought of right to aſſiſt in repairing the Church. 63.

[b] This Law, which is omitted by Sir *H. S.* ſhews, that the Reparation of Churches was devolved on the People ſooner than is commonly thought.

30. If any Man contrary to right retain one that is [c] baniſh'd by God, let him yield him up to the Law; and pay a Recompence to him to whom it belongs, and to the King according to his Weregild. If one retain and withhold [obſtinately] an excommunicate, or an outlaw'd Perſon, let him do it at the Peril of himſelf and all his Eſtate. 64.

[c] The ſame probably with the *Apoſtates* (Law fourth,) and who are commanded out of the Kingdom.

Now I ſtrictly charge, and in God's Name command every Man, that he with inward Heart bow to his Lord, and full oft, and earneſtly conſider what he has to do, and what to forbear. And we are all under great Obligation to love God, and follow his Law, and diligently to attend to Divine Inſtructions: for they ſhall lead us forth at that Doom, when God ſhall judge every Man by his former Works. And happy is that Shepherd, that can lead his Flock into God's Kingdom, and into

heavenly Joy, and happy is that Flock that followeth the Shepherd, so as to deliver themselves from the Devil, and to gain God. Come on then! let us all earnestly and unanimously propitiate God, with that which is right, and henceforth always guard ourselves against those Flames, that rage in Hell. Do ye Doctors and Divine Preachers, as ye ought, often preach Man's Duty toward God, and let all that are discreet diligently attend them; and let every one retain the divine Doctrine firmly fix'd in his Mind, for his own Benefit. And let every Man do all possibly he can for the Honour of his Lord, both in Word and Deed, always with Chearfulness; then is God's Mercy the nearer to us all. Let God's Name be ever blest. To him be Praise and Glory and Honour for ever and ever. God Almighty have mercy on us all.

A. D. MLXIV.

Supposed Laws Ecclesiastical of King EDWARD the Confessor.

PREFACE.

THis was the last Year save one of the Reign of King Edward *the Third, before the Conquest, commonly called* Edward the Confessor: *the following Laws are, by many, attributed to him, tho' drawn after* William Rufus's *Time. It is agreed that the* Confessor *made no Laws himself; yet our Ancestors did with great Zeal contend for the restoring the Laws of King* Edward the Confessor, *during the Reigns of several Princes after the Conquest: they meant the Laws of the old* English-Saxon *and* Danish *Kings, as they were administred or executed with some prudential Variations by King* Edward. *A very famous Divine asserts these Laws to be what their Title and Preface imports, which here presently follows; tho' he allows, as every one must do, that they are very much interpolated; and as they stand in* Lambard *and* Wheloc's *Edition they are Institutes or Commentaries, rather than Laws, as the most famous Dr.* Hickes *observes. They who drew them had but a very imperfect Knowledge of the* Saxon *Tongue; and are guilty of very great Mistakes in their Glosses. I have translated only sixteen of them, which were certainly the Conqueror's Laws, if not King* Edward's, *and have more or less a relation to the Church; and the most ancient Historians and Copies mention no more.* Hoveden *attributes this Collection to* Ranulf

• Glanville,

Glanville, *who was Juſtitiary to King* Henry *the Second, and the firſt Writer of the Common Law. But this may be underſtood of the Gloſſes, or Commentaries. N. B. I tranſlate none of the later Additions in* Lambard *and* Wheloc; *but follow Sir* H. S's *Copy, which agrees with that of* Hoveden.

A. D. MLXIV.

Lat. 1. KIng *William* in the fourth Year of his Reign, after the Conqueſt of *England*, by the Advice of his Barons, cauſed the *Engliſh* Noblemen that were Men of Knowledge, and learned in their own Law, to be ſummon'd together thro' all the Provinces of *England*, that he might from themſelves hear their Laws, Rights, and Cuſtoms; therfore twelve Men choſen out of every County of the whole Nation, did make Oath before the King that they would make known the Sanctions of their own Laws and Cuſtoms, proceeding in a direct Way, without ſwerving to the right Hand, or to the left, without making Omiſſions, Additions, or prevaricating Variations; therfore beginning with the Laws of the Holy Mother the Church, becauſe by her the King and Kingdom ſtand upon a ſolid Foundation, they declared her Laws, Liberties, and Protection, ſaying.

2. Let every Clerk, and Scholar, and all their Eſtates, and Poſſeſſions, wherever they are, have the Protection of God, and the Holy Church.

3. Let the Protection of God and the Holy Church be throughout the whole Kingdom from the Lord's *Advent* to the Octaves of *Epiphany*, and from *Septuageſima* till the Octaves of *Eaſter*, and from the Lord's Aſcenſion, till the Octaves of *Pentecoſt*, and in all the Days of the *Ember-weeks*; and every Sabbath from the ninth Hour, and thro' the whole following [*Sun*] Day, till *Munday*; alſo on

the

the Vigils of SS. *Mary*, *Michael*, *John Baptiſt*, all the Apoſtles and Saints, whoſe Feſtivals are bid by Prieſts on the Lord's-days; and of all Saints on the Kalends of *November*, perpetually from the ninth Hour of the Vigils, and during the following Feſtival; alſo in Pariſhes, where the Dedication-day, or the Day of their proper Saint is celebrated; and if any one devoutly go to celebrate a Saint, let him have Protection in going, ſtaying, and returning, and let all Chriſtians have Protection, when they go to Church, to pray both in going forth and returning. Let them have abſolute Protection, who are going to Dedication [of Churches] to Synods, to Chapters, whether they are ſummon'd, or go of their own Accord upon Buſineſs. If any one being excommunicate betake himſelf to the Biſhop for Abſolution, let him enjoy the Protection of God and Holy Church in going and returning. Let the Biſhop in his own Court proſecute any Man, that has incurr'd a Forfeiture to him. Yet if any one out of Arrogance will not be brought to Satisfaction in the [a] Biſhop's Court, let the Biſhop notify him to the King; and let the King conſtrain the Malefactor to make Satisfaction where the Forfeiture is due; that is firſt to the Biſhop,

[a] *Juſtitia Epiſcopi* may ſignify the Judge deputed by the Biſhop, or the Biſhops Spiritual Law; as *Juſtitia Regis* may ſignify the King's Court, or Law, as well as his Juſticiary. I take Liberty to render it, as beſt fits the Place. The Reader will obſerve, that the Biſhop, when theſe Laws were made did not commonly ſit with the Alderman, or civil Judge. If they were certainly the Laws of the *Confeſſor*, this would prove, that the two Juriſdictions acted ſeparately before the Conqueſt. It is well known that *Edward* very much affected the *Norman* Modes, ſo did *Robert* his Archbiſhop being himſelf a *Norman*; and we certainly had this from *Normandy*.

Biſhop, then to himſelf: ſo ther ſhall be two Swords, and one Sword ſhall help the other.

4. Wherever Pleas are held in the Court of the King, or of any other Perſon, if the Biſhop's Meſſenger come thither, and open a Cauſe that concerns Holy Church, let that be firſt determin'd. For it is fit that God be every where honoured before others.

5. Whoever holds any thing of the Church, or hath his Manſion upon Church-Ground, ſhall not be forced to plead in any Court but the Eccleſiaſtical, altho' he have incurr'd a Forfeiture, unleſs Juſtice there fail, which God forbid.

6. Whenever a guilty or noxious Perſon flies to the Church for Safety, let him be ſeiz'd by no Purſuer after he is in the [b] Churchyard, except by the Biſhop or his Miniſters. And if he flies into the Houſe, or [c] Court of the Prieſt, he ſhall have the ſame Security, or Protection, as in the Church; ſo that the Houſe or Court ſtand on Church-Ground. If [the Refugee] be a Robber, or Thief, let him reſtore what he hath taken away, if he have it in his keeping; if he have wholly deſtroy'd it, let him make full Reſtitution to the Injur'd Perſon out of his own Goods, if he has wherewithal. If the Robber has made it his practiſe, and has often eſcaped to the Church, or the Houſe of ſome Prieſt, let him, when he has reſtored what he had ſtole, forſwear the [d] Province, and not return into it: And let no one dare to entertain him if he do return, without the King's Licenſe.

[b] *Atrium* ſignifies either the Porch, or Yard.

[c] This is meant of an Abbot, or Prior's Houſe, call'd here *Curia*.

[d] That is the Nation.

7. If any one violently infringe the Church's Protection, it concerns the Biſhops Courts. If the guilty Perſon decline, or arrogantly deſpiſe their Sentence,

Sentence, let complaint of it be brought to the King after forty Days: And the King's Court ſhall put him under Security and Pledges (if he can find them) to make Satisfaction firſt to God, and then to the King, and Church: And if he cannot be found within thirty one Days, either by his Friends and Neighbours, or by the King's Court, the King ſhall outlaw him by the Word of his own Mouth. But if afterwards he be found and can be taken, let him be ſurrendred to the King alive; or if he defend himſelf, [till he be killed] let his Head [be yielded to the King] for from the Day of his outlawry his Head is a Wolfes Head. And this is the general Law, as to all that are outlaw'd.

8. [e] The tenth Sheaf is due to God of all Corn, and

[e] It was out of an honeſt Zeal for this and the following Law, which are both but one in Mr. *Lambard*'s Copy, that a worthy Divine has taken ſuch pains to prove all theſe Laws to be genuine. I ſhall not pretend to determine, whether he hath ſucceeded in the attempt; but I am not willing to lay too great ſtreſs upon his Arguments, how probable ſoever. It is ſufficient, that no time can be aſſigned, ſince the firſt reception of Chriſtianity in this Nation, when Tithes were not paid: we are ſure, they were reckon'd of right due by the Conſtitutions of *Ecgbriht* in the middle of the Eighth Century, that they are ſaid to be paid to the Biſhops, in the Letter of *Boniface* to Archbiſhop *Cuthbert*. No beginning of it can be ſhewed later than the Time of *Auguſtin*, who firſt placed Chriſtianity here in the latter end of the Sixth Century; and we have no cauſe to doubt, but he introduced it at the ſame time with Chriſtianity itſelf, as the next Law intimates: For *Boniface* was not much above Sixty Years after *Auguſtin*. If the Biſhops and Clergy had found an occaſion for a Civil Sanction for the payment of Tithes, during the firſt 150 Years after the Eſtabliſhment of the *Engliſh* Church, ther is no cauſe to believe, but the *Engliſh* Kings, who were for the moſt part very favourable to them, wou'd have readily granted it. *Offa*, *Alfred*, *Edgar*, and *Cnute* did actually give

give the Church a Civil Right to Tithes, when they found that the first fervours of the People toward the Church abated. And this I think sufficient, without relying too much on these Laws of an uncertain Authority, and on the Donation of King *Ethelwulf*, so perplexed and dark, and so variously delivered and understood, that I could not consent to afford it a Place among these Monuments of the *English* Church. See how it is expres'd by two Historians next that time, *Ethelward* L. 3. c. 3. "This "Year King *Athulf* gave the Tenth of all his Possessions "as the Lord's Portion, and went to *Rome* with great "Dignity and stay'd there twelve Months." *Asserius de rebus gestis Ælfred, circa initium.* "The same Year "the venerable King *Ethelwulf* freed the tenth Part of "his whole Kingdom from all Royal Service and Tribute, "and by a most durable Instrument with the Cross of "Christ offer'd it to the Triune God for the redemption "of his own and his Ancestors Souls. And the same "Year with great Honour went to *Rome*". Yet this last is thought spurious.

and therfore to be paid. If any one keep a Family of Mares, let him pay the tenth Colt. Let him that has one or two only pay a Peny for every Colt: So let him that has many Cows pay the tenth Calf; he that has but one Cow, an Halfpeny for every Calf. Let him that makes Cheeses pay to God the tenth Cheese, let him that does not pay the Milk every tenth Day; likewise the tenth Lamb, the tenth Fleece, the tenth Cheese, the tenth Butter, the tenth Pig.

9. Likewise of Bees the tenth of the Profit, likewise the tenth is to be given to God, who gives the Nine Parts, as well as the Tenth, of Wood, Meadow, Waters, Mills, Parks, Warrens, Fisheries, Osiers, Gardens, and Negotiations: Let him that detains it be constrained to pay it by the Bishop's Court, and by the King's, if that be necessary. For the blessed *Austin* preached and taught this; and it was granted by the King, and Barons, and People. But afterwards many detained them by

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inſtinct of the Devil, and Prieſts being rich and negligent did not care to be at the pains to get them, becauſe they had ſufficient Maintenance: For ther are now three or four Churches in many Places, where then ther was but one. And thus [Tithes] began to be diminiſh'd.

10. On the Day that ther is to be an [f] Ordeal, let the Biſhop's [g] Miniſter, with his Clerks, come thither, and likewiſe the King's [h] Juſtice, with lawful Men of the [i] Province: to ſee, and hear, that all be done with Equity; and let thoſe, whom the Lord is willing to ſave by Mercy not by Merits, be acquitted and depart in Peace; and let [the King's] Juſtice deal with them, according to Juſtice, whom their own Guilt, and not the Lord condemns. Let thoſe Barons, who have a Court of their own, deal with their own Men in ſuch a manner as not to ſin againſt God, nor to offend the King. And if a Plea between Men that belong to other Barons happen in their Courts, let the King's Juſtice be preſent at it; for otherwiſe the Plea can have no final Iſſue. If any Barons have no Judicatures, it muſt be determined at the next [k] Church, where the King's Judicature ſhall be, in the Hundred, where the Plea was held; with a Saving to the right of thoſe Barons.

[f] Lat. *Judicium*, Dr. *Hicks* hath ſhew'd that Ordeal, or *Urdæl*, is equivalent to this *Latin* Word.

[g] Perhaps his Archdeacon, or whatever Officer he thought fit to ſend.

[h] Lat. *Juſtitia*, the ſame with *Juſtitiarius*.

[i] That is County, for ſo it often ſignifies.

[k] Now it ſeems plain, that Courts of Pleas were held in Churches.

11. Every

11. Every one that hath thirty Penyworth of living Stock in his [l] Houſe of his own by the Law of the *Engliſh*, and half a Mark by the Law of the *Danes*, ſhall pay St. *Peter's* Peny. Now that Peny ought to be demanded at the [m] Feaſt of the Apoſtles *Peter* and *Paul*, and to be levied at the Feaſt call'd *ad* [a] *Vincula*, ſo as not to be detained beyond that Day. If any do detain it, let Complaint be made to the King's Juſtice, becauſe this Peny is the King's Alms; let the Juſtice cauſe the Peny to be paid, and the [b] Forfeiture to the Biſhop, and the King. If any one have more Houſes than one let the Peny be paid from that Houſe, where he was reſident at the Feaſt of the Apoſtles, *Peter* and *Paul*. [c]

12. The

[l] The third of thoſe Laws, which follow after theſe, ſays, in *Field-Stock*. Perhaps what was Field-Stock by Day, was Houſe-Stock by Night, for fear of Robbers, in this perilous Age. Yet King *Offa*'s Life has, *Extrà domos, in paſcuis.*

[m] *Jun.* 29. our Reformers appropriated this Day to St. *Peter*.

[a] *Lammas-Day*. King *Offa* choſe this time of payment, becauſe on this Day the Relicks of St. *Alban* the Martyr, to whom he erected a Monaſtry, were firſt diſcovered to him.

[b] See Law of King *Edgar* 4. 960.

[c] Here I omit the twelfth Law, as it is called in *Lambard*, *Spelman*, &c. becauſe it certainly never could be intended as a Law; for it neither commands nor forbids any thing; yet I put it here in the Margin, becauſe it ſeems to me good Hiſtory written by *Glanvil*, whoſe Evidence is very good in ſuch Points eſpecially, "The "Payment of *Dane-gelt* was firſt ordained againſt the "Pirates: for they laid waſte the Country with all their "might; to ſuppreſs their Inſolence it was ordain'd that "*Dane-gelt* ſhould be annually paid, that is, twelve "pence from every Hide of Land in the whole Country, to "hire Men who might put a Stop to their Invaſion. E-"very Church was free, and acquitted from this *Dane-*

"*gelt*,

" *gelt*, and all the Land where-ever it lay, that was the " Property of the Church; becauſe they truſted more in " the Prayers of the Church, than in the Protection of " their Arms. [*Here ends this Law or Aſſument in the* Cotton *MS. but the reſt thus go on.*] " The Church of " the *Engliſh* preſerved this Liberty till the Times of " King *William*, *junior*, call'd *Rufus*, who, in order " to keep *Normandy*, while his Brother *Robert*, call'd " *Curtois*, was in his Expedition to *Jeruſalem*, requi- " red an Aid of the Barons of *England*: Then it was " allowed to him, in this Caſe of Neceſſity, but not or- " dained or confirmed by Law, that Four Shillings " ſhou'd be paid him out of every Hide, the Church not " excepted. But while this Levy was made, Holy Church " with a loud Voice demanded her Liberty, but to no " purpoſe." Yet my Reader will obſerve, that only Hides or Plough-Lands were taxed by him, not Manſe, or Tithe.

12. The King's [d] Protection is manifold: For ther is what the *Engliſh* call, *Peace given with the King's Hand*; another upon his Coronation, which laſts eight Days, eight Days at *Chriſtmas*, eight at *Eaſter*, eight at *Pentecoſt*: another is granted by the King's Writ; ther is another which belongs to the four Highways, *Watling-ſtreet*, *Foſs*, *Ikenild-ſtreet*, and *Erming-ſtreet*, two of which are extended the length of the Kingdom, two the breadth; ther is another which belongs to the Waters of the famous Rivers. *Manbote* is the Satisfaction to be paid to the Lord for the murder of his Man; that is, [e] three Mark to the King, and Archbiſhop for one of their Men, by the Law of the *Engliſh*, but twenty Shillings to the Biſhop of the Shire, and to the King's Earl, and the Steward of his Houſhold, ten Shillings to other Barons. 13.

[d] I ſuppoſe by this is meant, an immunity from Arreſts, and Citations.

[e] It is clear, when this Law was made the Mark was thirteen Shillings four Pence, and ſo the King's and Archbiſhop's was double to the Biſhops, and the Biſhops double to the other Barons.

14. 13. Treasures [dug] out of the Earth belong to the King, unless they be found in a Church, or a Churchyard; and tho' they be, yet the Gold, and half the Silver belongs to the King, and half to the Church where it is found, whatever the Church be, rich or poor. [f]

[f] The 15th Law in *Spelman*, the 17th in *Lambard*, is of so odd a nature, that, as it certainly deserves not a place in my Text, so I scarce knew, whether it were fit to be mention'd in my Margin; but let them who like it take it, as it here follows: "The King, who is Vicar of "the Sovereign in Chief, is constituted to this purpose, "that he may govern, and defend from such as are Injurious, his Earthly Kingdom, and the People of the "Lord, and above all things venerate his Holy Church, "and pluck out, destroy, and wholly abolish all Evil-doers from off her; which, if he do not, the Name "of a King shall not belong to him, but he forfeits the "Royal Title, by the Testimony of Pope *John*; to "whom *Pipin* and *Charles* his Son, while they were "Princes only, and not Kings, wrote in the Reign of "[*Chilperic*] the foolish King of the *Franks*, to enquire, "whether the Kings of the *Franks* ought to continue "thus, contenting themselves with the Royal Title "only; who answer'd, They ought to be called Kings "who vigilantly defend and govern the Church of God, "and his People, in imitation of the Royal Psalmist, "who says, *He that behaves himself proudly shall not "tarry in my House.*" *Psal.* ci. 10. according to the LXX, and *Vulg. Lat.* Let any judicious Man consider, whether it can be thought probable, that *William the Conqueror* wou'd ever ratify such a Law as this, or whether it be credible, that his Subjects shou'd presume to offer such a Law to him for his Royal Confirmation; especially when ther is a Condition scarce possible in the nature of Things to be performed, I mean, *destroying, and utterly abolishing all Evil-doers.* The Story of the Pope's determining the Point must be fabulous: for ther was no Pope named *John* within thirty Years before, or after *Pipin*'s assuming the Crown of *France.* Some *English* Monk, provok'd by the oppression of the *Normans*, was the Legislator, to whom we owe this Assu-

ment.

ment. Yet a late Chief Juſtice is ſaid to have pronounced it from the Bench to be good Law. If it be a Law, it is one of the Pope's making; and a violent Uſurpation of Temporal Authority.

14. Let Archbiſhops, Biſhops, Earls, Barons, and all that have [g] *Sac*, and *Soc*, *Toll*, *Team*, and *Infangthef*, have their Knights and proper Servants, *viz.* Stewards of their Houſhold, Chamberlains, Butlers, Cooks, and Bakers under their own Friburgh. And [let] theſe alſo [have] their Eſquires, and other Servants under their Friburgh. And if they incur any Forfeiture, and a Complaint of the Neighbourhood riſe againſt them, they ſhou'd oblige them to what is Right in their own Court; they, I ſay, who have *Sac*, *Soc*, *Toll*, *Team*, and *Infangthef*. 16.

[g] The five Laws (ſo miſcall'd) that follow in *Lamb.* and Sir *H. S.* are only Explanations of the five Terms here uſed. The Reader may find the meaning of them elſewhere, but I am apt to believe, that *Glanvil*'s is the trueſt, if I can give the true ſenſe of it, *viz.* "*Sac* is a "Right to that Forfeiture [which is incurr'd] when "one challenges another concerning any Matter, and "[the one fails in his] Proof, or [the other in his] denial "of it, as it happens. *Soc* is the Power of making "ſearch for any thing in one's own Land, and for ſtolen "Goods, whether they are found or not. *Toll*, we call "Tribute, for the having Liberty to buy and ſell on a "Man's Land. *Team* is a Right to the Forfeiture in-"curr'd, when challeng'd Goods are put into a third "hand, and the impeach'd Party cannot produce his "Warrant, (that is, prove his Right,) or the other make "good his Challenge. *Infangthef* is the Right of Try-"ing a Thief, being one's own Man, apprehended on "one's own Land. But let them who have not theſe "Cuſtoms ſue before the King's Juſtice in the Hundreds, "Wapentakes, or Shires."

I found it impracticable to give a literal Rendition of *Glanvil*'s Explanation.

32. 15. It is to be known, that all [h] *Jews*, whereſoever they are within the Kingdom, are under the King's Patronage and Protection, as his Liege-men; nor can any of them ſubject themſelves to a Great Man, without his Licenſe; And if any one take them, or their Stock, into his Cuſtody, the King may, if he will, ſeize them as his own.

[h] The *Jews* fled in great Numbers from the Cruelty of the *Mahometans* in the *Eaſt*, into *Spain*, *France*, and *England*, about the time of the Conqueſt, or ſomewhat ſooner.

33. 16. King *Edward* alſo forbade Uſurers to dwell any where in his Kingdom; and if any were convicted of exacting Uſury, he was to be deprived of his Eſtate, and to be deem'd an Outlaw. That King affirm'd, That he learn'd, while he was in the Court of the King of the *Franks*, that *Uſury is the principal Root of all Vices.*

A D. MLXV.

Supposed Laws Ecclesiastical of King EDWARD the Confessor.

PREFACE.

INgulf, *Abbot of* Crowland, *who had been a Courtier to Duke* William *in* Normandy, *before he invaded* England, *tho' he was an* English *Man born, has left us a large System of Laws, which the Conqueror took (if you can believe it) from the Laws of* Edward the Confessor. *They were not collected till the latter end of the Conqueror's Life and Reign, as Dr.* Prideaux *has shew'd. Mr.* Selden *first publish'd them as an Appendix to* Eadmer's *History.* Wheloc *added them to his Edition of the* Saxon *Laws, tho' they were originally written in the* Norman *Tongue. Sir* H. S. *published five of them, as Laws properly Ecclesiastical, and more correctly than Mr.* Selden, *as he tells us. I have added three more, as giving considerable Light to Ecclesiastical Matters, as I conceive: But let us hear* Ingulf, *from whose Copy these Laws are taken, kept under three Keys in* Crowland *Abby, till its Dissolution.*

A. D. MLXV.

AT this time I brought with me, to my Monastry from *London*, the Laws of the most equitable King *Edward*, which my Noble Lord King *William* *Lat.*

William had publiſhed as authentic, and perpetual, and inviolably to be kept, under the ſevereſt Puniſhments, and given them in charge to his Subjects: They are in the ſame Language in which they were publiſh'd; leſt thro' Ignorance, we, or ours, ſhou'd happen to offend the King's Majeſty, by a raſh Preſumption, to our great danger, and by this means unadviſedly incur the Puniſhments contained in them.

Norm. Theſe are the Laws and Cuſtoms which *William* the King hath granted to all the People of *England*, they being the very ſame which King *Edward* his Kinſman kept before him; that is to ſay,

1. The Protection of the Holy Church. Whatever Forfeiture a Man hath incurr'd, and he can come to the Holy Church, he hath Protection of Life and Member. And [a] if any Man lay hands on him who goes to a Mother-Church, (whether it belong to a Biſhop or Abbot, or be a Church of Religion) let him reſtore what he hath taken away, and one hundred Shillings as a Forfeiture; and to the Mother-Church of the Pariſh twenty Shillings, and to a Chapel ten Shillings. And let him that breaks the King's Protection make Satisfaction with an hundred Shillings, according to the Law of the *Mercians*. But let it be otherwiſe in caſe of a runaway Servant, or of propenſe lying in wait.

[a] This is a very dark Paſſage, and ſo it is like to remain, till the *Norman* Language of this Age be better underſtood, or till ſome further Light appear by ſome other means.

Wheloc. 17. 2. If any one be impeach'd for breaking of a Monaſtry, or of any private Room [in it], and was never defam'd in Times paſt, let him make his Purgation

gation with twelve lawful Men (as they are called) his own Hand being the twelfth. If he have been defam'd before, let him make his Purgation with a triple number; that is to ſay, thirty [b] ſix lawful Men, as they call them, his own Hand being the thirty ſixth. If he cannot have ſo many, let him go to the triple [c Fire-Ordeal] as he ought to go to the triple Oath: And if he have in Times paſt made Satisfaction for Theft, let him go to the Water-Grdeal. The Archbiſhop ſhall have forty Shillings as a Forfeiture, according to the Law of the *Mercians*; the Biſhop twenty Shillings, the Earl twenty Shillings, the common Man forty Pence.

[b] 'Tis XLVIII. in the Original, but this is ſuppos'd to be a Miſtake.

[c] In the Norman *iuiſe*. I pretend to no more than a Conjecture, in my Tranſlation here: but it is not altogether groundleſs; for that it was ſome ſort of Ordeal, ther can, I ſuppoſe, be no doubt, becauſe it was for want of Compurgators upon Oath. And I conceive the Fire-Ordeal was more reputable than that by Water: He therfore that had been only defam'd before, and had no Compurgators on Oath, might go to Fire-Ordeal; but if he had actually been convict before, and brought to Satisfaction, upon a ſecond Offence, if he profeſſed his Innocence, but wanted Compurgators, he muſt be tried by Water. See Sir *H. S. Gloſſ. p.* 435. *ad calcem.* Yet *Yoe*, or *Ive* ſignifies Water in *French*.

It is indeed ſtrange to me, that the Conqueror, with his new Biſhops, ſhou'd not have wholly extirpated this ſavage Superſtitious Practiſe. It had been long ago forbidden by ſeveral Princes upon the Continent. It does not appear that the Church of *Rome* ever gave countenance to it: And is a very ſingular Inſtance of a groſs Corruption, that had not the Pope, or his Creatures, for its Author. If it was ever directly authorized by any Council in a foreign Church, it was only by ſome new Converts in *Germany* in the Ninth Century. The Council of *Mentz*, 847. *c.* 24. injoins the Ordeal of Plowſhare to ſuſpected Servants. But to give the Pope, I mean *Stephen* V. his due, he preſently condemned it in an Epiſtle to

to the Bishop of *Mentz*, in whose Diocese it chiefly prevail'd. (*See Caus.* 2. *Q.* 5. *c.* 20.) Nay, *Alexander* II. the Conqueror's own Ghostly Father, absolutely forbade it in a Decree of his extant, *Causa secunda, Quæst.* 5. *c.* 7. The Story of *Ildefongas* concerning *Montanus*, and of *Gregory* of *Tours*, concerning *Bricius*, both of whom were Bishops, and are yet said to have carried Coals in the Flap of their Garments, to prove their Innocence, when their Chastity was called in Question, are reported as Miracles, and therfore are not Instances of common Ordeal. Besides, they only preserv'd their Clothes unburnt, not their Flesh. And indeed Bishops and Great Men used not to undergo the trial of Ordeal in their own Persons, but by their Servants: So *Remigius*, Bishop of *Lincoln*, toward the end of the Conqueror's Reign, was purged from the Treason of which he was suspected, by his Servants undergoing this Trial. Which makes it the more strange, that the Story of Queen *Emma*'s being try'd by going over nine Plough-shares shou'd be believ'd. Princes were not wont personally to submit to any such Ordeal, and very rately, if at all, did they do it by Proxy. The first Prohibition of Ordeal mention'd by Sir *H. S.* here in *England*, is in a Letter from King *Henry* III. to his Justices itinerant in the *North*, in the third Year of his Reign: Yet this Learned Knight observes, that eight Years after this he granted the Religious of *Semplingham* Power to administer it. Great Lawyers have said, that it was suppress'd by Act of Parliament in the third Year of his Reign. But the Record mentions only the King's Letter; and the King's Letter says it was done by the Advice of his Council, and gives this only Reason, that *It was forbidden by the Church of Rome.* She that was the Mother of most Corruptions was the Maul of this. It is to be observed further, that trial by Duel was introduced into Practise here by the Conqueror, and remain'd long after the Reign of *Henry* III. Yet this, as well as Ordeal, was forbidden by the Popes. This shews, that the Conqueror was far from being a Slave to *Rome*.

3. The

3. The Freeman that hath to the value of thirty Pence in Field-Stock ought to pay St. *Peter*'s Peny. The Lord by paying Four Pence ſhall acquit his [d] Bordars, Boners, and Servants. The Burgeſs that has the value of half a Mark is bound to pay St. *Peter*'s Peny. He that is a Freeman by the Law of the *Danes*, and has to the value of half a Mark in Field-Stock is bound to pay St. *Peter*'s Peny. And for the Peny which the Lord pays, all that live on his Demeſne ſhall be acquitted. 18.

[d] *Bordars* were little Tenants, who held a few Acres of Land of the Lord, on condition of their Hedging, Diking, Thraſhing, Grinding for their Lord's Family. *Boners* were probably Tenants of the like ſort, who lived in Cotages, on the Lord's Waſte: For *Bonarey* ſignifies *Waſte*, ſays Sir. *H. S.* They are both new Terms introduced by the *Normans*.

4. Let him that denies St. *Peter*'s Peny [be obliged to] pay it by the Eccleſiaſtical Court, and thirty Pence as a Mulct: If he be ſued for it in the King's Court, let him pay thirty Pence to the Biſhop, and forty Shillings to the King. 20.

5. If a Man die Inteſtate, let his Children equally divide the Inheritance. 36.

6. If a Father catch his Daughter in Adultery in his own Houſe, or in his Son in Law's Houſe, he may lawfully kill the Adulterer. 37.

7. [e] If a *Norman* be caſt in a Duel, let him pay the King ſixty Shillings: And if the *Engliſh*-Man refuſe to defend himſelf by Duel, or by Evidence, let him preſerve himſelf from Outlawry by Ordeal. 70.

[e] It is evident by theſe two Laws, that the King truſted in the length of his *Normans* Swords, and by theſe bore down the poor *Engliſh*, and ſent them for redreſs to the moſt ignoble trial of Ordeal. King *Edward* the Confeſſor, tho' too much addicted to the *Normans*, yet wou'd never have thus treated his *Engliſh* Subjects.

57. 8. The King ordains, That in all Cases of Outlawry the *English*-Man purge himself by Ordeal. And if an *English*-Man impeach a *Norman*, in [a Matter of] Outlawry, and be willing to prove it upon him, let the *Norman* defend himself by Duel. And if the *English*-Man dare not try him by Duel, let the [f] *Norman* defend himself by a full Oath, without a verbal Scrupulosity.

[f] 'Tis strange, that the Oaths of *English* Men would not pass, in Cases where the *Normans* did: for the *English* Man in the same Circumstances was put to Ordeal. By a *full Oath* I understand, an Oath made by such a number of Men as the Law required. Let whoso will imagine these to be the Laws of King *Edward*, I cannot but say they smell strong of the *Norman*, and the Conqueror. And you may take a cast of his tender Cruelties in that Law of his, *Wheloc*, *p.* 137. *Lamb.* 126. *viz.* "I forbid any one to be kill'd, or hang'd for any "Crime, but let his Eyes be put out, his Testicles, "Hands, or Feet cut off, that he may remain a living "Trunk, as a Monument of Treachery, or Wickedness.

The End of the First Volume.

ADDENDA, &c.

VOL. I.

A. D. DCI.

IN *the Paragraph of* Gregory's *laſt Anſwer, after* Dividend *add a* Comma.

Ibid. *Before the Note on* Gregory's *ſixth Anſwer add*, It may ſeem ſtrange that *Gregory* ſhould call *Auguſtin the only Biſhop in the Church of the Engliſh*, if he knew that *Luidhard* was yet here. Yet ther is no Inconſiſtency in this. For *Gregory* might juſtly conſider *Luidhard* only as a Sojourner here in *Kent*. He had probably a See in *France*: Therfore his ſtay here muſt be very uncertain. *Auguſtin* was the only Biſhop that was ſettled here. The Latin is, *In Anglorum Eccleſiâ, in quâ adhuc tu ſolus Epiſcopus inveniris.*

Ibid. *To the firſt Note on the ſixth Article of* Gregory's *eighth Anſwer add*, A very learned Writer in his excellent Treatiſe *of the Celibacy of the Clergy*, pag. 68. reflecting on theſe Words of *Gregory*, aſſerts that *Clem. Alexand.* ſays this Ceremony was no where practiſed among the Chriſtians in his time. *Strom. L.* 3. I can find no ſuch Saying there. The moſt he aſſerts is, That *Chriſt* did not require this Bathing, as *Moſes* had done, οὐδὲ ἅπ τ ἀπὸ τ κτ ζυζυγίαν κόίλης, ὁμοίως ὡς πάλαι, βαπτίζεαζ κ γυῶ πρσάσσ ἡ Θεία διὰ Κυρίε Ποήσια. *c.* 12. *ante m.*

ADDENDA, &c.

A. D. DCII.

To the Note on K. Ethelbert's *fourth Doom add*, Among the *Conſuetudines Angliæ*, (in *Fol.* 79. *Pag.* 2. of the *Textus Roff.*) which were drawn in the Reign of *Henry* the Firſt, we have theſe Words, *In Lege Cantiâ Eccleſia Chriſti, & Rex, & Archiepiſcopus habent ſimile, & æquè carum deſpectum quod Angli dicunt Mundbrece. Et in illâ Lege Pecunia Archiepiſcopi reddetur undecies, Pecunia autem Regis non reddetur niſi novies ——— Alius Archiepiſcopus, & Filius Regis de Legali Conjuge habent ſimilem ſecularem Rectitudinem in multis rebus; hoc eſt, in Deſpectu in Emendationi Hominis occiſi, quod dicitur Manbote, &c.* In Engliſh thus; " By the *Kentiſh* Law, *Chriſt*'s Church, and " the King, and the Archbiſhop, have the ſame Forfei- " ture due to them for the Violation of their Protection. " And by that Law, Chattels ſtollen from the Arch- " biſhop ſhall be reſtored eleven-fold, but Chattels ſtol- " len from the King but nine-fold only. ——— The o- " ther Archbiſhop *(viz.* of *York)* hath in many caſes the " ſame ſecular Right with the King's Son by his lawful " Wife, that is, in Forfeiture for the Violation of his " Protection, in ſatisfaction for the Murder of his Man, " which is called Manbote, *&c.*

A. D. DCLXXIII.

To Note [b] *on the Council of* Herudford *add*, Ther was the leſs reaſon for placing *Wilfrid* after *Biſe*, becauſe it is certain that *Wilfrid* was conſecrated ſeveral Years before the other; and was put into Poſſeſſion of the See of *York* in the Year 669; in which Year *Biſe* alſo might be conſecrated to the See of the *Eaſt-Angles*. *Bede* mentions the Removal of *Chad* from *York*, before *Putta*'s Conſecration to the See of *Rocheſter*, and *Wilfrid*'s ſucceeding *Chad* preſently after *Putta*'s Conſecration *(L.* 4. *c.* 2, 3.) and *Putta*'s Conſecration is ſpoken of as a thing done preſently after *Theodore*'s Arrival. Ther is no reaſon to believe that *Biſe* was conſecrated before the latter end of the Year 669, or rather the beginning of 670. (compare *Bede*, *L.* 3. 20. *L.* 4. 5.) he therfore was the junior of the three, tho' here placed next to the Archbiſhop. *Lother* (or *Eleutherius)* and *Winfrid*, came into their Sees after the others, and are here placed in their juſt Order. Theſe ſix were the whole Epiſcopal Col-

lege

lege here at this time, the See of *London* being vacant. *Wini* was expell'd from the See of *West-Saxony*, and had purchaſed the Biſhoprick of *London* from *Wulfhere* King of *Mercia*, who had reduced the Kingdom of the *East-Saxons* into a ſtate of Subjection, or Dependency. *Wini* was a ſingular Inſtance of a Penitent Simoniſt, and therfore for the three laſt Years of his Life, became a Recluſe in the Monaſtery at *Wincheſter*, and *Ercunwald*, it ſhould ſeem, was not yet advanced to that See. It is the more ſtrange, that *Biſe* ſhould have the Precedence of his ſenior Biſhops, when we obſerve that this was directly contrary to the eighth Canon of this very Synod.

Ibid. *In the long Note on* Theodore's *firſt Canon, Line penult. of the ſecond Page of that Note, inſtead of The two* Scotch, *or* Iriſh *Biſhops went away unconvinced*, read *Colman*, one of thoſe whom I call a *Scotch*, or *Iriſh* Biſhop, went away unconvinced, and deſerted his See of *Lindisfarne*, where he had ſat three Years, and return'd into his own Countrey. *Ceddi*, the other of them, Brother to *Chad* mention'd before, return'd to his See of *London*, but died ſoon after.

Ibid. *Note* [d] *on Can.* 10. *lin.* 4 *and* 5. *for* So is the Man, *read* So is the Woman.

A. D. DCLXXIX.

In Preface to the Roman *Synod concerning* Britiſh *Affairs*, *for* Treſia, *read* Freſia, *or* Friſia.

Ibid. *In Preface Lat. Note*, *read* Trullo. *In Note* [b c] *lin.* 4. *read* Vito Sylvæ, &c.

Note [g] *lin.* 4. *read* Placidius.

Ibid. *Art.* 4. *in the long Note* [g], *for* Binnus, *read* Byrinus; *for* Wittrin, *read* Wittern.

Ibid. *Art.* 7. *for* certain by, *read* certainly.

A. D. DCLXXX.

In Poſtſcript, *for* Hid —— *read* Heddius.

Ibid. *To Note* [c] *on P.* John's *Letter add*, It is obſervable, that *Cuthbert*, another Saint, took one ſhare of *Wilfrid*'s Dioceſe, even after the Pope had declared in favour of him, 685. *Trumberht* being depoſed from *Hexam*, *Cuthbert* then a Hermit, and a mortified Man, was choſe to ſucceed him: But *Cuthbert*, tho' hardly

perſuaded to take any Biſhoprick, yet, if he muſt be Biſhop, choſe rather to have *Lindisfarn*, where he had been Monk, for his See. Whereupon *Eata* reſigned *Landisfarn*, and took *Hexam*. Thus *Theodore* had two *Northumbrian* Saints that ſtood by him in his Proceedings againſt *Wilfrid*, and in oppoſition to the Pope.

A. D. DCXCIII.

After the Note on King Ine*'s Introduction to his Laws, add*, Not only in *Brompton*'s Latin Tranſlation, but in the Saxon Copy contained in the *Text. Roff.* after *Hedde my Biſhop*, it is ſaid, *and* Ercunwald *my Biſhop*. Yet there is no reaſon to believe that *London*, of which *Ercunwald* was Biſhop, was ever ſubject to King *Ine:* Nor is it poſſible, I conceive, to aſſign any Reaſon why *Ine* ſhould call him *my Biſhop*, tho' he had actually been preſent at the making of theſe Laws. But *Waldhere* had ſucceeded *Ercunwald* before the end of King *Sebbe*'s Reign, and *Sebbe*'s Reign continued not beyond this Year 693. *See Bede*, *L.* 4. *c.* 2.

Ibid. *In Note* [a], *for* ſecond, *read* fifth.

To Note [d] ibid. *add*, *Text. Roff.* hath æpe in the Introduction, but 'tis left out in Law 1.

Ibid. *Law* 4. Text. Roff. *ſays* LX Shillings, *not* XL.

In Note on the ſame Law, *for* Leſter, *read* Leſſer.

Ibid. *To Note* [i] *on Law* 6. I take ȝaꝼol-ȝylden to ſignify properly the Tenant to a Plough-land. See 734. the Note to *Ecgbright*'s firſt Anſwer.

Ibid. *Law* 11. *for* worth, *read* rated at.

To the word Tenant *add this Note*, Here is meant Tenant to a Plow-land.

Ibid. *To Note* [c] *on Law* 12. Text. Roff. has it thus, ⁊ bÿþ on anꝼacan, which I thus turn. And he (that is, the accuſed Party) ſhall be on the Diſproof, or Purgation.

Ibid. *To Note on Law* 13. *add*, I find ſome look upon Church-Scot, or Church-Seed, and Tythes, to have been the ſame. But upon this ſuppoſition, I can ſee no reaſon why Men ſhould be order'd to pay it for the Houſe in which they lived at *Chriſtmas*. And farther, ſome Saxonic Laws or Conſtitutions make diſtinct Proviſions

for the paying of Tythes, and Church-Scot, and order it to be done at ſeveral times: Thus 1009, the 10th and 11th Conſtitutions of *Eanham*, require Tythes to be paid at *All-hallows*, Church-Scot at *Martinmas*.

A. D. DCXCII.

In Note [d] *to the Sax. Pref. lin* 21, 22. I granted that no Hiſtorian mentions this Council. But I have lately obſerved, that one of our beſt Hiſtorians, *Eadmer*, does expreſſly ſpeak of it in the Life of Archbiſhop *Bregwin*, in theſe Words. " King *Wihtred*, at the Inſtigation of " Archbiſhop *Brihtwald*, did in a General Council ordain, that all the Churches of his Kingdom ſhould be " for ever freed from all Domination and Exaction of " Kings, or other earthly Potentates.

Article 1. *for* Miniſter, *read* Minſter.

In the Italick Poſtſcript to King Wihtred's *Grant*, &c. *for* onÿtingan *read* onſtingan.

A. D. DCXCVI.

In the Italick Preface to King *Wihtred*'s Dooms, in Anſwer to the Objection concerning *Gibmund*'s Name, add, *No Man doubts but King* Ine's *Laws are genuine; yet if we had had no other Copy of thoſe Laws but that in the* Text. Roff. *(and we have no other Copy of* Wihtred's *Laws, but that in this ſame MS.) we muſt have been content to take them as they there ſtand with* Ercunwald's *Name interpolated. Yet I ſuppoſe no Hiſtorian will diſpute it, but that* Ercunwald *was dead before King* Ine *made his Laws, and probably before his Acceſſion to the Throne.*

Ibid. *As to the Name of the Month, it is clearly* Ruzepner *in the* Text. Roff. *Sir* H. S. *could have raiſed no doubt in this point, if he had inſpected the MS. Nor were ther any grounds for his Copier to heſitate about it. I am ſtill of Opinion that* epner *ſtands for* Auguſt. *As for the three firſt Letters, I have nothing that I can think worthy to*

offer to my Reader on that head, unleſs he will ſuppoſe it was originally Ruȝeþneȝ, i. e. *Rye-Harveſt. For it is no uncommon thing in the Saxonic to double the* i, *and double* u *was unawares turn'd into* u.

Ibid. *In the Sax. Preface to King* Wihtred's *Dooms, add this following Note*, Mr. *Somner*'s Emendations agree with the *Text. Roff.* ſaving that the *Text.* has ȝeheahtenðlic, not ȝeþ—— yet I think Mr. *S*'s Correction to be very appoſite.

Ibid. *Doom* 3. *add this Note*, Text. Roff. hath ȝenaman. Yet I ſtand by *Somner*'s Emendation; eſpecially becauſe the Text hath ȝemanan in the fourth Doom. In the Note on this Doom read —ope not —oþe.

Ibid. *Doom* 4. Text. Roff. clearly ſpæȝe mæn, ſpæȝe is evidently one word.

Ibid. *Doom* 7. Text. Roff. Birȝoþeȝ ðom, beyond all doubt.

Ibid. *Doom* 8. *Text. Roff.* hath not læþ before læþneȝȝe, and has habbe, not nabbe.

Ibid. *Doom* 9. *after Note* c *add*, Ther is is a ſmall Interſtice between æþþ, and æniðe in *Text. Roff.* So ther is between ſeveral Syllables, which yet certainly make but one word; as for inſtance, between Liȝice, and an in the firſt Doom, which was the occaſion of Sir *H. S*'s making theſe Points ∴ between the former and latter part of the word.

Ibid. *Doom* 10. Mr. *Somner*'s Emendations here agree with *Text. Roff. Read the beginning of the Law thus*, If any one that is a Slave does any ſervile Work, *&c.*

Ibid. *Doom* 12. aþaȝe has the laſt Syllable ſomewhat disjoin'd from the reſt of the word in *Text. Roff.* yet I ſtick by my Tranſlation. The MS hath clearly peoȝc, not —ȝe.

Ibid. *Doom* 15. *Note* a, *Text. Roff.* hath heoȝum, and ſniȝne (as it ought to have been printed in that Note.)

Ibid.

Ibid. *Doom* 20, 21. Ther is a Tranſpoſition of the Clauſes of theſe Laws in *Text. Roff.* too odd to be clearly deſcribed in a few words. Sir *H. S.* has clearly ſet it right; and the MS. itſelf gives dark Marks or *Items* of the true ſeries of the words. But it is to obſerved, that ther are no Numberings nor Breaks in the MS, (ſave one in the Tranſpoſition) therfore Sir *H. S.* uſed his own Diſcretion in putting thoſe words at the beginning of the 22d Doom, which I think to belong to the 21ſt.

Ibid. *In Note* g *on Doom* 21, *for* Diſter's Epiſt. *read* Diſſert. Epiſtolaris, meaning Dr. *Hickes*'s famous Treatiſe in the ſecond Volume of his *Theſaurus*.

Ibid. *To Note* d *on Doom* 26. *add*, Text. Roff. hath ȝeȝange.

Ibid. *To Note* k *on Doom* 28. *add*, I am confirm'd in my Opinion, that this Law makes the Perſon, that meets the Stranger in this caſe, his Judge and Executioner; becauſe the parallel Law of King *Ine* does ſo. The former part of *Ine*'s Law is the ſame with this, ſave that after *Roads* it adds ȝeonð puðu *through the Woods*. But the words of *Ine*'s Law, after *put to Death, or ranſom'd*, are as follows, *If a Weregild be demanded for the Party ſlain, he may anſwer that he kill'd him for a Thief.*

A. D. DCCXXV.

After Sax. in the Margin add, Sir *H. S.* Vol. 1. p. 206.

To Note a *on the Saxon Preface to* the Laws of Satiſfaction *add*, All Mr. *Somner*'s Emendations of theſe Laws or Rules, to the beſt of my Obſervation, agree with the *Text. Roff.* ſave that in the laſt Clauſe but one the Text hath meðemunȝe not —miȝe.

A. D. DCCXXXIV.

In the Italick Preface, lin. 13. after thirty Years together, add, *Therfore from this time forward the Kingdom of* Northumberland *is to be eſteem'd a diſtinct Province from that of* Canterbury.

Ibid. *To Note on Anſwer* 13 *add*, The Reader is to obſerve, that the Impotence here ſpoken of, is ſuch as is not natural, but accidental, proceeding from ſome preſent bodily Diſeaſe, and from which the Party might afterward recover. If the Impotence were natural, that had been no occaſion for the Party in this caſe to promiſe Continence; nor had *Ecgbriht* ſhew'd himſelf leſs ſtrict in this point than other Caſuiſts: For natural Impotence certainly diſſolves Marriage, as to the Bond as well as Bed, or rather it proves it null from the beginning.

Ibid. *Add this Note to Queſtion* 5. By *a corrupt Prieſt*, we are here to underſtand ſuch an one as was afterwards called *Irregular*; that is, who took Orders while he was under ſome Canonical Impediment: As for inſtance, if he had before done publick Penance, if he had enter'd into a forbidden Marriage, if ther were any defect in his Body, or in his Birth.

Ibid. *In Note to Anſwer* 7. *lin.* 3. *for* uſurp *read* ſeize.

A. D. DCCXL.

Excerpt. 28. *Note* c *at the end add* before Daylight.

Ibid. *Excerpt.* 38. *in Note there dele* Calvin, &c.

Ibid. *Excerpt.* 48. *in Note there lin.* 10. *read* get quiet Poſſeſſion. In truth he never got Poſſeſſion of his former entire See of *York*, but only of one part of it. It does not appear that Appeals to *Rome* were at all allow'd hitherto in the Province of *Canterbury*.

Ibid. *Excerpt.* 70. *after* freed *add* Perſons.

Excerpt. 78. *In Note there add*, See Numb. xxv. and 1 Maccab. ii. 23--25.

Immediately after the 162d *or laſt Excerpt. add this Note*, Whereas in this and ſeveral other Canons, a Faſt of five and of ſeven Lents is enjoin'd; we are thereby I conceive to underſtand a Faſt of forty Days at a time to be aſſigned by the Prelate, or Confeſſor. For no Church, or private Men did ever, I conceive, obſerve more Lents than three in one Year, as ſtated ſolemn Faſts. But *Ecgbercht* the Britiſh Recluſe in *Ireland*, is ſaid to have faſted forty Days after *Pentecoſt*, and again forty Days before *Chriſtmas*, as well as the common Lent before *Eaſter*, *Bede l.* 3. *c.* 27. Of thoſe other occaſional Lents

Lents for Penitents, they might make as many as they pleaſed.

In the Preface to the Excerptions, as in CCCC MS. for *Example of Suppliers*, read *Example of Superiors*.

A. D. DCCXLII.

Line 37. in the Preface, after *Kings*, add, *and Popes*.

A. D. DCCXLVII.

Before Note [a] *belonging to the Preface, add Totta* of *Leiceſter*, *Huita* of *Lichfield*, and *Podda* of *Hereford*, are ſtyled *Mercian* Biſhops: *Milred* and *Alwick* had their Sees within the *Mercian* Kingdom, yet they were not called *Mercian* Biſhops. However, by this it appears that at, and before this time, *Theodore*'s Diviſion of the *Mercian* Dioceſe took effect.

To the Note on the 17th *Canon of* Cloves-hoo *add*, The manner of *Auguſtin*'s being ſainted is no where diſcover'd to us. But it is reaſonable to ſuppoſe, that it was done by the Inclination and Conſent of the Clergy and People only. The Editor of King *Alfrid*'s Life, who cannot be ſuſpected of Diſaffection to the Authority of the See of *Rome*, declares, that the firſt Inſtance of Canonization by the Pope, which he had obſerved, was that of *Swibert* of *Nottingham*, performed by the Pope at the Inſtance of *Charles the Great*, and in his Preſence, *A.D.* 803. It is not improbable that this too was a Fiction; eſpecially becauſe it is confeſs'd, that *Innocent* the ſecond, and *Alexander* the third, were the firſt Popes that aſſum'd this Privilege as peculiar to themſelves, and they both reigned in the twelfth Century. This Writer farther ſays, that Archbiſhops firſt took this Work of canonizing Saints out of the hands of the People; but he gives no inſtances of this ſort. The Monk who wrote the Life of King *Offa*, tells of a Propoſal made in a great Council at *Verulam*, that a Petition ſhould be offer'd to the Pope for the Canonization of *Alban*, though he owns that he had been ſainted long ſince; and indeed *Bede* gives him the Title of a Saint an hundred Years before. For this Council is ſaid to have been held in the

the Year 793. *See Sir* H. S. *p.* 309, 310. & Vita Ælfredi M. *pag.* 171. *in Marg.*

Ibid. *To Canon* 21. *add this Note*, What effect this Canon had in our Province I know not. But it is said, that in the other Province, the Monks of *Lindisfarne*, who had hitherto contented themselves with Water and Milk, did about ten Years after this first begin to drink Wine, *Spelm. p.* 289.

Ibid. *To Note* 8 *on Can.* 28. *add*, yet it seems to have been otherwise in the other Province. *See* DCCXL. 153.

Ibid. At the End, *The Postscript to this Council after Can.* 30. *beginning N.B. should have been printed in Italick, because it is no Translation, but my own words.*

A. D. DCCLXXXV.

In the 18th *Can. of* Cealchythe, *lin.* 29. *for* —nos *read* Manoe.

Ibid. *Can.* 19. *lin.* 5. *for* Sacrifice *read* Scarify.

Ibid. *In the Latin PS. to this Council, lin.* 9 *and lin.* 10. *from the end, for* their *read* your.

Ibid. After the Postscript to this Council add, Higebert *did not survive this Council much above one Year; before he obtained a Settlement of the Primacy at* Lichfield *he certainly died. But* Aldulf *his Successor had the Primacy over six Dioceses besides his own, confirmed to him by the King and Pope, which he enjoyed eight or nine Years. Yet the Monk of St.* Albans *raises* Higebert *from the dead seven Years after this, and makes him present at the Council of* Verulam, *in the Figure of an Archbishop, with two of his Suffragans, though he changes his Name to* Humbert. *As we have sufficient Proof that this is false History, so it were much to be wish'd that what follows were so too*; viz. *that King* Offa *was by his great secular Men, as well as by his Bishops, advised to go to* Rome, *in order to procure the Pope's Consent and Authority for founding and endowing the Monastery of St.* Albans. *He was certainly*

certainly driven thither by the ſting of his own Conſcience, for the Murder and Rapine which he had committed, and for which he hoped to find a more effectual Cure at Rome *than he could in* England: *For he was poſſeſs'd with the Diſeaſe of the Age, a ſuperſtitious Devotion to the See of* Rome; *and the great Men, as well as Biſhops, ſooth'd the Dotage of their King. However, he is ſaid to have obtained the Privilege from the Pope, that no* Engliſhman *ſhould be obliged to go in Pilgrimage to* Rome *by way of Penance for his Crimes, that is, as I take it, by going to the Monaſteries of* Peterburgh, *or St.* Albans, *they were diſcharged from all Obligations to travel to the* Limina Apoſtolica. *Yet* Charles the Great, *now Emperor, in his Letter to this King (which he ſcarce lived to receive) promiſes Protection to* Engliſh *Pilgrims going through his Dominions towards* Rome. *This muſt have been written in the Year* 794. *For the Emperor mentions Pope* Adrian's *Death, and ſays he had ſent a* Dalmatic *to every Biſhop in* England, *and a Preſent to each Metropolitan, to induce them to pray for the Soul of* Adrian, *which yet, he doubted not, was happy, and at reſt.* Sir H. S. pag. 309——315.

A. D. DCCXCVI.

In the Italick Preface, lin. 4. from the end, after *England*, *add*, *Unleſs you will take in* Wittern *in the Shire of* Galloway *in* Scotland, *which was then a Biſhop's See, but belonged to the Kingdom of* Northumberland.

A. D. DCCCIII.

After the firſt Paragraph of the Italick Preface add, *I find ſome worthy Gentlemen ſtill of Opinion, that* Cliff *(ſo it ſhould be ſpelt) in the Hundred of* Hoo, *was not unhealthy in the Age when theſe Councils are reported to have aſſembled at* Cloves-hoo. *For the cauſe of the preſent*

sent unwholsomneſs of the Air, they juſtly conceive to have been the Receſs of the Sea from that Coaſt, which they ſuppoſe to have happen'd ſeveral Ages after. But the Text. Roff. *contains a demonſtrative Confutation of this Suppoſition. For therein is contain'd a Donation of* Ecgbert *(ſome write him* Egfert) *King of* Kent, *bearing date* 778. *by which he grants a place call'd* Bromhege *to the Church of St.* Andrew's Rocheſter; *and* Bromhege *is there bounded on* Eaſtan Clift-wara gemær, *on* Weſtan Culinga gemær; *and this* Bromhege *it ſelf is ſaid there to be* aquâ penè undique circumperfuſa. Janbert *Archbiſhop is witneſs to this Donation. The next Year the ſame King makes an addition to this Donation, and thus deſcribes it.* Bromhege, antea à me traditæ adjiciam Mariſcam pertinentem ad aridam, & ad aquæ ripam Jaenlade habentem quaſi quinquaginta jugerum. *It is therfore indiſputable that the Sea had made its receſs from this Shore in the eighth Century, and that* Cliff *had the Marſhes near it then, as at preſent, and was therfore altogether unfit for a ſtated Place of Synod. As* Cliff *in* Hoo *was never a place of great Note it ſelf, ſo it lies, and ever did lie out of the Road to any place of Note. It is indeed a Pariſh moſt ſingularly exempt; for the Incumbent is the Archbiſhop's immediate Surrogate. But the Reader may ſatisfy himſelf that this is no Proof that* Cliff *was for this reaſon a notable Place, by looking into a Reſcript of* Walter Reynolds *Archbiſhop of* Canterbury, *dated* 1317. *(in* Somner's *Antiq. of* Cant. *p.* 354.*) For by this it appears, that the Rectors of eighteen Churches, fourteen of which lay in the Dioceſe of* Canterbury, *had the exerciſe of all ſpiritual Juriſdiction within their ſeveral Pariſhes, till the Archbiſhop by that Reſcript extinguiſhed their Privileges. And as none of the Pariſhes there mention'd were places at that time eminently remarkable, except* Maidſtone; *ſo ſome of them,*

them, as Monkton, Adisham, Ickham, Westwell, Woodchurch, Wittersham, *are as private and unresorted places as most in the Dioceſe. I am perſuaded that whoever conſiders the occaſions of the ſeveral Synods held at* Clofes-hoo, *and the Perſons there preſent, will diſcern ſufficient cauſe to believe, that all theſe Councils were held in* Mercia. *It ſeems probable that this Town loſt its old Name upon occaſion of the Abby or Monaſtery's growing ſo famous as it did in the Age after this; for no one can doubt but the preſent Name was taken from the Abby. The firſt Memorial in which I find this place call'd* Abindon, *is the Remains of the Council of* Kirtlington, *held 977. for re-eſtabliſhing the Monks at* Abindon, *and to give leave to People to go in Pilgrimage thither.* Sideman, *Biſhop of* Kirton *in* Devonſhire *died at this Council, and was buried at* Abbindon, *by King* Edward *and Archbiſhop* Dunſtan's *order, though he had deſired to be laid in his own Church.* Spelm. p. 493. Clofes-hoo *is a Name that occurs not after this time.*

A. D. DCCCXVI.

In Lat. Preface to this Council, read Eadulf Biſhop of *Lindſey*, or *Lincoln*, ſo *Lindiffarorum* often ſignifies. The great ſimilitude of Names occaſion'd this Miſtake.

To Note on Wulfred's *fifth Canon add*, I am ſenſible that after Dioceſes were ſettled in *Scotland*, the Biſhop of St. *Andrews* was always eſteem'd the firſt Biſhop of that Kingdom: And in the Letter written to *Eadmer* (who was nominated to that See, but never poſſeſs'd of it) by *Nicolas*, Prior of *Worceſter*, about the Year 1123. It is ſaid that the Biſhop of St. *Andrew*'s was *Summus Pontifex Scotorum* (A. S. p. 235. Vol. 2.) yet he never had the Power of a Metropolitan till the Year 1472, when *Patrick Graham*, then Biſhop, firſt obtained the Pall, as his Succeſſor *Spotſwood* teſtifies in his Hiſtory of the Church of *Scotland*, pag. 58. It is true, the *Scots* in

in *Ireland* had not yet Archbiſhops; but 'tis moſt reaſonable to underſtand this Canon of the *Scots* in *North-Britain*.

Ibid. *Can.* 9. *lin.* 12. *for* your Archbiſhop, *read* the Archbiſhop.

A. D. DCCCLXXVII.

In the firſt Paragraph of the Italick Preface to King Alfred's *Laws, read* Aſſerius *and* Grimbald, *and the ſame Emendation of the firſt Name is to be made elſwhere.*

Ibid. *Law* 2. *lin.* 3. *Brompton*'s Latin, and the Copy of theſe Laws in *Text. Roff.* omits *non* or *ne*; and the Senſe runs clearer without it: *therfore for* does not concern, *read* concerneth.

To Note d *on the ſame Law add, Text. Roff.* hath þeoþrcýpe for þeoðrcýpe, and ſo *Brompton*, or the Author of the *Jorval* Tranſlation read it.

Ibid. *Law.* 3. *Somner* in his Dictiouary renders ders Mæp-penninge *merus Nummus*, good Money, *not Mercian* Money.

Ibid. *To Note* e *on Law* 4. *add Text. Roff.* ſaith ȝeýnne oþþe ȝeæpn.

To Note g *on the ſame Law add, Text. Roff.* hath ȝeboðiȝe for ȝebeoðen, *then it ſhould be render'd* commit him to his Relations, *or* charge them with him.

Ibid. *To Law* 6. *lin.* 6. *add this Note*, for napihꝺ *Text. Roff.* hath apuhꝺ, the ſenſe is the ſame. But this would ſhew that this MS was written after the double Negative was laid aſide, if we had no other Evidence of it.

Ibid. *To Law* 7. *add this Note*, In *Text. Roff.* this makes part of Law 16. and the ſenſe is much what the ſame (though the ſeries of the words is different) ſave that the Adulterer's Mulct is LX Shillings in *T. Roff.* but XL here.

Ibid. *Between Law* 7 *and* 8, *another Law ought to have been inſerted, which makes the* 16 *in* Text. Roff. *and which here follows.*

If a Man be dumb, or deaf, so that he can neither deny, nor confess his Sins, let the Father make Satisfaction for his Misdeeds.

Ibid. *In Note on Law* 9. *dele* Chron.

In *Note* [d] *on Law* 12. *dele* Rendition. *Text. Roff.* here runs thus, peopp man to handa, ⁊ eal þ he mid him hamey bpohc. *fortè* Let him be seized, and all that he brought into the House with him; that is, all the Personal Estate which he had before he was possess'd of his Benefice or Place in the Monastery.

Ibid. *Law* 13. *Text. Roff.* hath hyde instead of eopen. *According to this the middle Clause should be render'd*, If a Man-slave force a Woman-slave, let him make Satisfaction with his Hyde; that is, let him be well scourged.

Ibid. *To Note* [l] *on Law* 17. *add*, On polc was here by oversight omitted in the Translation, which is therfore thus to be alter'd, *viz.* If any Man without leave take down the holy Veil [which hangs] before the People in Lent, *&c. Text. Roff.* hath pyhc, instead of pipc, through mistake, I doubt not.

Ibid. *Law* 17. Text. Roff. hath pod bod for popbod.

Ibid. *Law* 20. *dele Note* [b], *and instead therof put what follows*, The meaning of the first part of the Law I take to be this, that on these Days ther should be a *Justitium*, or Non-term, or that all Proceedings at Law against Freemen should cease during these Times; but that notwithstanding this, Slaves and Villains might be corrected, or call'd to an Account by their Lords on these Days.

To Note [c] *add*, Text. Roff. Fyphtum.

To Note [e] *add*, The English in these Ages had a Tradition amongst them, that Pope *Gregory*'s last Prayer was, "O Saviour *Christ* receive my Spirit, and I beseech thee, "that what Man soever keeps my Mind-day on Earth, "do thou avert all Disease from his House. Let not "the Fiend, nor the Destroyer, nor Hunger, nor Pesti-"lence approach him". What *Bede* in his Latin calls

Dies

Dies Depositionis Cuthberti, his Translator turns, hiꝛ ȝemynde-dæȝe, and forþfore, his Mind-day, and Decease, or *Obiit*. Therfore it may be doubted, whether *Gregory*'s and *Cuthbert*'s Day were proper Festivals; for every Man of Note had his Mind-day observed, that is, certain Obsequies or Services performed in behalf of his Soul at the end of every Month, or Year. Yet probably none were continued so long as *Gregory*'s had now been, except he were a reputed Saint; for *Gregory* had now been dead above 250 Years.

A. D. DCCCLXXVIII.

At the end of the Italick Preface to the Laws of King *Alfred* and *Guthrun* add, *Yet it is most probable that the renewal of these Laws by King* Edward *and* Guthrun *is an Interpolation.*

Ibid. *Law* 11. *Text. Roff.* hath fyrie for fyrhe, *this may signify* to hasten them off the Earth.

Ibid. *In Note on Law* 12. *lin.* 3. *for* subjoined to these Laws, *read* subjoined to the Memorials of King *Ethelstan*, DCCCCXXVI. N° 2.

A. D. DCCCCVIII.

In Margin after Lat. add Sir H. S. Vol. 1. pag. 389.

At the end of the Italick Postscript add, *Tho' I see no other reason to alter the date of this remarkable Call of Bishops, and erecting of new Sees; yet I am free it should be removed to the Year after this, that I may have one Chronologer with me in this Point, I mean* Radul. de Diceto. *The Saxon Chronicle does indeed say, that* Denulf *Bishop of* Wincheſter *did not die before this Year; but he might be driven from his See, and ther is reason to believe he was so, many Years before. As for* Asserius, *ther is nothing so uncertain as the time of his coming to, and leaving the See of* Sherburn; *and some doubt, whether he was ever Bishop of that See. The Saxon Chronicle as to this point is an uncertain Evidence,*

Evidence, and therfore none at all; so that the supposition of these two Sees being full till the Year 909 is of no force. In truth, if the Sax. Chron. do at all take notice of Asserius's *death, it is in the Year 910. And in this particular no one follows or agrees with this Chronicle, (compare the two Editions of the Saxon Chronicle at the Year 910, and observe the difference.) However hard to be adjusted the Chronology and the Succession of the Bishops of* Winchester *and* Sherburn *are at this time, yet I see no reason to doubt of the main Facts, and particularly that the Sees of* Wells, Kirton *and* Cornwall *were now erected, and filled with Bishops. It is said that the* Cornish *People till this time opposed the Apostolical Decrees, that is, they were not in Communion with the Church of* Rome, *or* England, *but with the* Welsh *and* Irish *Church.*

A. D. DCCCCXXV.

The Tything mention'd in this Saxon Preface, must have been only an occasional Tything (not paying a stated yearly Tenth) and probably to be given in Alms to the Poor.

To the Note on King Ethelstane's *fourth Law, add,* Ther are also Coins of Archbishop *Plegemund* still extant, with a Pall on the reverse. And the Northern Coins with this Inscription, *viz. Moneta Sancti Petri*, are believed by good Judges to have been minted by Authority of the Archbishops of *York*, whose Church is dedicated to St. *Peter*. For ther is no ground to believe, that they were intended for the Payment of the *Rome-Scot*, or *Peter-Pence*. And it is to be observed, that this Privilege of Mints was not now first granted to the Archbishops. *Plegemund*, whose Coin we now mention'd, was dead before the date of this Law; *Ceolnoth* was dead fifty Years before. The Archbishop of *York* could not receive the Privilege of coining from this Law; for his See and Province was under the Government of a *Danish* Monarch. I conclude, that ther-

fore the Archbiſhops, and ſome other Biſhops enjoy'd this Royal Privilege by immemorial Cuſtom.

Ibid. N° 8. *lin.* 10. *add after* it boils, Let the Caldron be made of Iron, Braſs, Lead, or Clay: This is not only in the St. *James*'s *Lat.* but in the *Text. Roff. Saxonic.*

In the next line, for Fiſt *read* Wriſt.

Ibid. *lin.* 19. *inſtead of* let them humble themſelves, *&c. the* Text. Roff. *ſays*, ⁊ heopa ælc abyŋȝe þæȝ haȝȝe paȝeȝ, and let every one taſte of the Holy Water. The St. *James*'s Tranſlator read abuȝie for abyŋȝe. And either, or both of theſe Readings may be true; for by the terms of Ordeal publiſh'd from the *Text. Roff.* (pag. 909. of the Append. to *Faſciculus rerum)* it appears that the Holy Water was taſted by every one preſent, and afterwards ſprinkled on them by the Prieſt.

Ibid. *From* reveal the Truth, *to* on the third Day, is wanting in the *Text. Roff.*

It ſeems probable to me that what comes between, was now added by King *Ethelſtan* and his Council, and that the reſt was a Law of King *Alfred*; for we have ſo much of this Memorial as is above hinted immediately after the Laws of *Ine* and *Alfred* in *Text. Roff.* From which I can't but take occaſion to ſay, that it ſeems probable to me, that if our Saxon Anceſtors had this Practice among them before their Converſion to Chriſtianity, yet it was ſo little uſed before the *Danes* got footing here, that we may reaſonably preſume it would never have prevailed to that degree it did, if thoſe barbarous People had not mingled themſelves with our Anceſtors, and either firſt introduced, or at leaſt revived this ſenſeleſs Superſtition. Theſe *Danes* had for a hundred Years together been ſettling themſelves on our Northern and North-Eaſtern Coaſts, before the practice of Ordeal grew rife in *England*; therfore I am willing to impute the Prevalency of it to theſe Invaders. Conſidering the univerſal Ignorance that had ſpread it ſelf over the whole Nation in thoſe Ages, it is well we did not receive the whole Syſtem of Heatheniſm from them.

Ibid.

Ibid. N° 9. *Note* f, My second Thoughts upon this Matter are, that Testamental Servants, were such predial Slaves or Villains as had a Property, and might therfore dispose of what they had by their last Will or Testament.

A. D. DCCCCXXVI.

Add this Note to King Ethelstan's *second Memorial*, The last Paragraph of this Memorial is in *Text. Roff.* after King *Ethelstan*'s Legæner (for Legæbnerre) and some other matters. The Saxonic agrees exactly with this Latin, and immediately foregoing this in the *Text. Roff.* is the third Memorial concerning the Availment of Oaths. My Translation says, the Mass-Priest and the Secular Thanes Oath are the same: the Saxon expresses it thus ȝeȝealð eȝen-ðyne, therfore the Latin should be *reputatur æquè carum*. Ther is somewhat added both in the Saxonic and Latin, of the sense whereof I am not sure, but I suppose it to be this; If one rated at 120 Shillings is to be [impeach'd so as to be brought to Purgation] he is fully impeach'd by six common Men. The Sax. word is þþæcan, which I have express'd by the words enclosed in hooks.

Ibid. *In Note on King* Ethelstan's *Memorial* 4. *for* Tribe *read* Friburgh.

A. D. DCCCCXLV.

Law 1. *of King* Eadmund, *the words* my place of Residence; *and again*, *Law* 3. *the words* Protection in my Family, may best be explained by a Saxon Note in the *Text. Roff.* among the Memorials of King *Ethelstan* just before mentioned, "*viz.* The King's Protection shall be from the "Gate of the Burgh where he is resident, from "thence on the four Quarters of him to afar; "that is three Miles, and three Furlongs, and "three broad Acres, and nine Foot, and nine "Shaffmets, and nine Barleycorns". *N. B.* A Shaffmet is a measure from the top of the Thumb set upright to the extremity of the Palm, about six Inches in a tall Man.

ADDENDA, &c.

A. D. DCCCCL.

In the Italick Preface, and the laſt Page thereof, after every Prieſt, add *(or rather to every Deanery, or Gild of Prieſts: for it ſeems probable, that the Gild by degrees grew into a Rural Deanery.)*

Law 56. *read* Fulloc, and Frum-tale.

A. D. DCCCCLVII.

Can. 5. In the Sax. read pleoh, *not* þl——.

Can. 6. *begins at* This ſeems ſtrange.

Can. 21. *add at the end of the Canon*, And let him take care that they be well written.

At Note [c], *put the latter hook of the laſt Parentheſis after* Euchariſt, *and for* Almanack *read* Kalendar.

Can. 22. *In the Note* [f] *read* to ꝥien.

Can. 27. *dele Note* [a].

Ibid. *Can.* 34. *Note* [i], *read* ꝥpæcum.

Can. 37. *Note* [a], I have alſo ſince obſerv'd the ſame Name given to it in *Chron. Sax.* 1137. and the learned *Marſhall* in the place there referr'd to, agrees that it is the ſame with the Latin *die pareſceues*, and adds, *nam longa oratio eſt* lanꝝ ꝛebeð, *Luc.* xx. 47.

A. D. DCCCCLX.

Can. 9. *The word turn'd* Pariſh, *is in the Saxon* Shrift-ſhire.

Ibid. *Can.* 33. *Note* [d], *put* & *after* ſubumbilicalis, *not before.*

Ibid. *Can* 64. *add this Note*, Though hunting is here forbid to Prieſts, yet it ſeems it was allowed to Biſhops. For among the *Jura Eccleſiæ Cant.* A. S. Vol. 1. p. 88. it is ſaid that the Archbiſhop ſhall have the beſt Nag of the Biſhop of *Rocheſter*, when he dies, and his Kennel of hunting Dogs; and the King ſhall have the ſame of the Archbiſhop of *Canterbury*, when he dies.

A. D. DCCCCLXIII.

In the Note [a] *on Can.* 6. *thus*, *read* ꝥyþhꝺa, *not* þihꝺa.

Ibid. *Can.* 10. *lin.* 2. *for* he be, *read* be he.

Ibid.

Ibid. In the PS. lin. 9. read, *His not wearing*, &c.

A. D. DCCCCXCIV.

Read the last Sentence of the first Paragraph of the Preface, *They are found in the same Volume with his Sermons, which he confesses*, &c.

A. D. DCCCCXCIV.

C. 3. *read* your Bodies, *not* the Bodies.

Ibid. *c.* 9. *at end of Note* e, *read* ðeop, *not* ðeop; *and Note* f oꝑeꝑ-ꝑꝑeꝫe.

A. D. MIX.

Thus read the three last Lines, being touched with the Love of God and Man, have recorded the same for the Memory of Posterity, and for the Souls Health of them that are, and are to be.

A. D. MXIV.

Law 1. Compare the Note c here with Note a on Answer 1, DCCXXXIV, where I suppose a Plowland to have been under thirty Acres in *Bede*'s time. When I say it is sometimes sixty Acres, sometimes double that quantity, I fear this ought not to be applied to the Age of King *Ethelred*, but rather to that of *Richard* I, and the following times.

To Note d *add*, or to one belonging to any Family at large, then the Master of the Family is the Lord.

Ibid. *Law* 2. *Note* f, *four Lines from the end*, *read* September 29, *not* 27.

A. D. MXVII.

Law 5. *to Note* e *add*, In the *Text. Roff. pag.* 222. we have an account of what Devotions and Alms the Convent there was to perform for their Mates in other Monasteries, when they died, with this Inscription, *Quid pro defunctis sociis facere debemus.* Then it begins by setting down what must be done, " For the Monks of *Christ-*
" *Church Canterbury*, *viz.* seven entire Offices, *Verba*
" *mea* (the fifth Psalm) for thirty Days, every Priest seven

 " Masses,

" Maſſes, others [fifty] Pſalms. For the Monks of " St. *Auſtin*, the Apoſtle of the Engliſh, three Offices " in the Convent. For the Nuns of *Mellinges (Malling)* " as much as for the Monks of *Chriſt-Church Canter-* " *bury*. For the Monks of St. *Martin* of *Battel*, three " Offices in the Convent, without *Verba mea*. Every " Prieſt ſeven Maſſes, others [fifty] Pſalms, and let " three poor Men be entertained one Day ". Moſt of the great Monaſteries in *England*, many of thoſe beyond Sea, have a certain tale of Maſſes, Pſalms, or other Devotions there aſſigned, to be perform'd at the Death of any of the Religious of thoſe Houſes. By this we may perceive in ſome meaſure, how the Monks (I mean the beſt of them) ſpent their time. The Prieſt that broke this fifth Law of *Cnute*'s, forfeited his right to theſe Devotions, which his Mates would otherwiſe have performed for him at his Death; and all Aſſiſtance likewiſe, which they might give him, while living.

A. D. MXVIII.

After Sax. in the Margin, at the beginning of the Laws, add, Sir *H. S.* pag. 552.

Law 16. *For the* Pillory, *read* the Heals-fang. *See* DCXCVI. 12, 13.

A. D. MLXIV.

After Lat. *at the beginning of the Laws, in the Margin, add,* Sir *H. S.* pag. 619.

Ibid. *Law* 3. *to Note* [a] *add,* When I ſpeak of the two Juriſdictions being ſeparated, I deſire to be underſtood, as meaning that the Biſhops holding a Court diſtinct from that of the King, Alderman, or Sheriff, did there hear and determine temporal Cauſes, as well as ſpiritual. For ſo he certainly did (as appears by Law 5.) in caſe the Defendant, or both Parties were Eccleſiaſtics. *See* MXVIII. 14. DCCCCLX. 7.

Ibid. *Law* 8. *to Note* [c] *add,* To me the anonymous Monk of *Wincheſter* ſeems to give the moſt natural account of this matter, eſpecially becauſe he plainly took it from ſome written Evidences then extant in his own Church. " *Edulf*, Son of *Egbirt*, A. D. 837. became " King of *England*; he had been Subdeacon in the Church " of

" of *Wincheſter*, and becauſe King *Egbirt* had no other " Heir, he was forced to accept of the Kingdom: He " tythed all the Land of his own Demean, and gave " the tenth Hide to the conventual Churches in every " Countrey. He made a Reſtitution of the whole en- " tire Land of *Chiltcumb* to the Church of *Winton*, un- " der the name of a Tenth, in lieu of one ſingle Hide, " which the Kings *Kinegils*, and *Kinewalch* had former- " ly given, but which had been alienated from the " Church between their time and his, *A. S. Vol.* 1. " *p.* 289.

By way of Poſtſcript to theſe Laws (ſo called) of *Edward* the Confeſſor, add, *Though I have not here inſerted the thirty firſt of theſe Laws, as publiſh'd in* Wheloc; *yet I think it juſt to inform my Reader, that the* Biſhop's Prieſt *is thereby entitled to ten Shillings, as his ſhare of the Forfeiture incurr'd by breaking of the King's Protection. It is generally agreed, that by* Biſhop's Prieſt *is meant the Rural Dean: And perhaps by* Chapter *in the third of the foregoing Laws, we may juſtly underſtand the Clergy of the Deanery aſſembled under him as their Preſident. Very egregious Miſtakes have been committed by a famous Antiquarian, in relation to theſe Officers call'd Rural Deans. He ſuppoſes them to have been the ſame with the Arch-Presbyters of the ſeventh and eighth Century, which may be confuted by looking into the Decretal,* L. 1. Tit. 24, 25. *He will have them to be the* Decani Chriſtianitatis, *for which he produces no manner of proof; he affirms their Antiquity to be much greater, and their Office more honourable than that of Archdeacons; whereas I take it to be certain in fact, that ther was no ſuch Office as that of Rural Dean, at leaſt not in* England, *till this eleventh Century, whereas Archdeacons had long before ſome ſort of Juriſdiction.* See DCCCCL, 6. *among the Laws of the Prieſts of* Northumberland. *Mr.* Somner *gives us ſeven Archdeacons of* Canterbury *in the ninth Century,* Antiq. of Can-

terbury, p. 300. *Granting ther were Rural Deans before the Conquest, yet ther is no proof of it but from these Laws, which are not of the greatest Authority, especially as to times before the real making them, which appears not to be certain. This Writer produces no Argument for Rural Deans being more honourable than the Archdeacon, and I take it for certain that he had none; even the Archpresbyter was inferior to the Archdeacon by the Decretals above cited, much more the Rural Deans. And even the seventh Canon of the Council of* Tours *cited on this occasion by our great Antiquarian, forbids the Bishops and Archdeacons to farm their Jurisdictions to Deans for an annual Rent, which at once shews the Office of the Deans there mention'd, and their inferiority to and dependence upon the Archdeacons. Our Antiquarian calls this the* abolishing the Privilege of Rural Deans. *This was in the Year* 1164: *without proving that Rural Deans ever had the Probate of Wills, and Cognisance of Matrimonial Causes legally, or canonically committed to them; he complains that the Archdeacons deprived them of the first Privilege, and Archbishop* Langton *of the other; whereas in truth they only check'd them as Usurpers of these Privileges. In one point indeed he degrades these Rural Deans, for he makes them to be the* Testes Synodales; *when it is evident the* Testes Synodales *were Laymen assigned by the Bishop to swear that they would present all Scandals. See* Causa 35. Quæst. 6. c. 7. *It is true* Lyndwood *cites* Joannes Andreas *an Italian Canonist, for saying that these Deans were* Testes Synodales, *as he cites other Doctors sometimes for saying very absurd things. They had no Rural Deans in* Italy; Andreas *had heard we had them here in* England, *and that they were used to delate Offenders. Because this was the part of* Testes Synodales *in* Italy, *therfore he calls them by that Name. This lead Mr.* Somner *into the Mistake, and this great*

Antiquarian

Antiquarian after him. I shall mention no more of this great Man's Mistakes on this head; but ther are some remaining grosser than those here specified. He is himself more able to correct them than I am. And I wish he would for the Love of Truth.

A. D. MLXV.

Law 2. *at Note* e *read* Yve, *not* Yoe, and ——Ildefonsus, *not* ——fongas.

Ibid. *Law* 8. *before Note* f *add*, Mr. *S.* in his MS Notes on *Cap.* 64. of King *Henry* First's Laws, proves that *Juramentum observatum*, or *cum verborum observantiis*, was with the *Normans* an Oath taken in a precise Form of words, *Juramentum planum* the contrary.

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TO THE

FIRST VOLUME.

Advertisement to the READER.

In this Index *the greater Number every where denotes the Sets or Syſtem of Anſwers, Laws or Canons, bearing Date the Year ſignified by that Number.*

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If ther be a third Number not exceeding 6, *after* DCI. 8. DCXXXIV. 16. *it refers to a Sub-diviſion in thoſe Places only; in others it denotes another Anſwer, Law or Canon, in the ſame Set.*

Pf. *denotes the Tranſlator's Preface,* Pf. *his Poſtſcript to any Set. If* Lat. *or* Sax. *be added, it ſignifies the Preface or Poſtſcript tranſlated from the original* Latin *or* Saxon.

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